

227 h 37
Magna Charta

England

LIBERTATUM

CIVITATIS WATERFORD.

TIMOTHEO CUNNINGHAM Editore.



DUBLINI:

Typis AUGUSTI LONG, in vico vulgo vocato *Essex-Street*, 1752.

✓

MAGNET CHAIRS

LIBERTY

LIBERTY

LIBERTY



LIBERTY

in vico vulgo vocato R. Typis
Anno 1752



Magna Charta
LIBERTATUM
Civitatis WATERFORD.

CAROLUS, Dei Gratia,
Anglie, Scotie, Francie, et Hibernie, rex, fidei
defensor, &c. OMNIBUS, ad quos presentes
litere pervenerint, SALUTEM; CUM JOHAN-
NES, nuper rex Anglie et dominus Hibernie,
illustrissimus progenitor noster, per literas suas
patentes magno sigillo suo regni sui Anglie sigil-
latas, gerentes datum apud Marlebridge tertio
die Julii, anno regni sui septimo, DEDERIT et
CONCESSERIT civibus civitatis Waterford et suc-
cessoribus suis, totam civitatem Waterford cum
pertinentiis, et magnum portum ejusdem, qui
B
intrat

- intrat inter *Rodybanke* et *Ryudoane* usque *Carricke* per aquam, et sicut pulla sancte *Katherine* tendit usque ad metas de *Kilbarry*, et abinde usque ad metas de *Cloncredane*, et ab illis metis usque ad metas de *Portfichin* ; ET per eandem literas patentes diversas libertates, privilegia, immunitates, exemptiones et alia in eisdem contenta, eisdem civibus et successoribus suis DEDERIT et CONCESSERIT ; prout per eandem literas patentes plenius liquet et apparet ; CUMQUE
- 4 HENRICUS, ejus nominis tertius, nuper rex *Anglie*, et dominus *Hibernie*, per literas suas patentes, magno sigillo suo regni *Anglie* sigillatas, gerentes datum apud *Woodstocke*, decimo sexto die *Junii*, Anno regni sui decimo sexto, pro SE et HEREDIBUS SUIS, DEDERIT et CONCESSERIT dictis civibus dicte Civitatis *Waterford* diversas alias libertates, privilegia et immunitates ; prout per eandem literas patentes plenius liquet et apparet ; CUMQUE
- 5 EDWARDUS, ejus nominis tertius, nuper rex *Anglie* et dominus *Hibernie*, per literas suas patentes magno sigillo regni *Anglie* sigillatas, gerentes datum apud *Westmonasterium* decimo quarto die *Novembris* anno regni sui tricesimo, pro SE et HEREDIBUS suis, DEDERIT, CONCESSERIT et CONFIRMAVERIT eisdem civibus dicte civitatis *Waterford* diversas libertates, privilegia, immunitates, authoritates, exemptiones et alia in eisdem literis patentibus ultimo mentionatis contenta, prout per dictas literas patentes plenius liquet et apparet ; CUMQUE
- 6 predictus EDWARDUS, ejus nominis tertius, nuper rex *Anglie*, per alias literas suas patentes magno sigillo suo regni sui *Anglie* sigillatas, gerentes datum apud *Westmonasterium*, vicesimo quarto die *Februarii*, anno regni sui tricesimo octavo, pro SE, HEREDIBUS et SUCCESSORIBUS suis, DEDERIT et CONCESSERIT civibus predictis diversa

diversas libertates, in eisdem literis patentibus
 expressas; prout per easdem literas patentes li-
 quet et apparet; CUMQUE HENRICUS ejus
 nominis quintus, nuper rex *Anglie*, per literas
 suas patentes, magno sigillo suo regni sui *Anglie*
 sigillatas, gerentes datum apud *Westmonasterium*,
 sexto die *Maii*, anno regni sui primo, pro se et
 HEREDIBUS suis DEDERIT et CONCESSERIT, dictis
 civibus per nomen *majoris, ballivorum et civium*
 civitatis *Waterford* diversas alias libertates, im-
 munitates, exemptiones, privilegia, potestates,
 authoritates et alia in eisdem contenta; prout
 per easdem literas patentes plenius liquet et ap-
 paret; CUMQUE idem HENRICUS, ejus nominis
 quintus, per alias literas suas patentes, magno
 sigillo suo sigillatas, gerentes datum apud *Dublin*,
 decimo quinto die *Januarii*, anno regni sui tertio,
 DEDERIT et CONCESSERIT dictis majori et com-
 munitati civitatis predictæ heredibus et successoribus
 suis custumam, in dicta civitate *Waterford*,
 vocatam *magnam novam custumam* una cum sigillo
 suo dictam *custumam* pertinente, in supportatio-
 nem *onerum* dicte civitatis et eorum *firmas*; et
 alias licentias in eisdem literis patentibus expref-
 sas; prout per easdem apparet; CUMQUE
 HENRICUS, ejus nominis sextus, nuper rex *Anglie*,
 per literas suas patentes, magno sigillo suo
 regni sui *Anglie* sigillatas, gerentes datum apud
Westmonasterium, octavo die *Aprilis* anno regni
 sui vicesimo sexto, pro se, HEREDIBUS et suc-
 CESSORIBUS suis, DEDERIT et CONCESSERIT pre-
 dictis civibus diversas alias potestates, prout per
 easdem literas patentes plenius liquet et apparet;
 CUMQUE EDWARDUS, ejus nominis quartus,
 nuper rex *Anglie* et dominus *Hibernie*, per literas
 suas patentes, magno sigillo suo regni sui *Anglie*
 sigillatas, gerentes datum apud *Westmonasterium*,
 vicesimo die *Novembris*, anno regni sui primo,

- pro SE, HEREDIBUS et SUCCESSORIBUS suis, DEDERIT et CONCESSERIT civibus predictis, quod civitas illa de uno majore, duobus ballivis et civibus esset imperpetuum corporata, in re et nomine, per nomen *majoris, ballivorum et civium* civitatis illius, haberentque successionem perpetuam; nec non DEDERIT et CONCESSERIT dictis *majori, ballivo et civibus* et successoribus suis diversas potestates, auctoritates, libertates, privilegia, immunitates, officia, fines, amerciamenta, forisfacturas, et alia in eisdem literis patentibus expressa, prout per easdem literas patentes plenius liquet et apparet;
- II CUMQUE invictissimus progenitor noster, HENRICUS ejus nominis septimus, nuper rex *Anglie*, per literas suas patentes, magno sigillo suo regni sui *Anglie* sigillatas, gerentes datum apud *Westmonasterium* duodecimo die *Maii*, anno regni sui tertio, DEDERIT et CONCESSERIT dictis *majori, ballivis et civibus* et successoribus suis, diversas custumas, libertates, privilegia et alia in eisdem contenta, prout per easdem literas patentes plenius liquet et apparet;
- CUMQUE precharissima nuper soror nostra
- 12 ELIZABETHA, nuper regina *Anglie*, per literas suas patentes, magno sigillo suo *Anglie* sigillatas, gerentes datum apud *Westmonasterium* octavo die *Februarii* anno regni sui undecimo, pro SE et HEREDIBUS suis DEDERIT et CONCESSERIT predictis *majori, ballivis et civibus* et successoribus suis, diversas potestates, libertates, privilegia, jurisdictiones, et alia in iisdem expressa; prout per easdem literas patentes plenius liquet et apparet;
- 13 CUMQUE predicta nuper regina ELIZABETHA, per alias literas suas patentes, magno sigillo suo regni sui *Anglie* sigillatas, gerentes datum apud *Norhambury*, decimo sexto die *Julii*, anno regni sui decimo sexto pro SE, HEREDIBUS et SUCCESSORIBUS suis, DEDERIT et CONCESSERIT prefatis *majori,*

majori, ballivis et civibus per nomen *majoris*,
vicecomitum et *civium comitatus civitatis Water-*
ford, diversas alias libertates, privilegia, fran-
 chesias et alia in iisdem literis patentibus contenta,
 prout per easdem literas patentes plenius liquet et
 apparet; CUMQUE etiam predicta nuper regina 14
 ELIZABETHA, per alias literas suas patentes,
 magno sigillo suo regni sui *Anglie* sigillatas, ge-
 rentes datum apud *Westmonasterium* duodecimo
 die *Martii* anno regni sui vicesimo quinto, pro
 SE, HEREDIBUS et SUCCESSORIBUS suis, DEDERIT
 et CONCESSERIT dictis majori, vicecomitibus et
 civibus et successoribus suis, diversas alias liber-
 tates, franchises et privilegia in eisdem expressa;
 prout per easdem literas patentes plenius liquet
 et apparet; CUMQUE precharissimus nuper 15
 pater noster JACOBUS, beate memorie, rex, per
 literas suas patentes, magno sigillo suo regni
Hibernie sigillatas, gerentes datum apud *Dublyn*,
 decimo die *Julii*, anno regni sui *Anglie*, *Francie*
 et *Hibernie* septimo et *Scotie* quadragesimo secun-
 do, DEDERIT, CONCESSERIT, et CONFIRMAVERIT
 prefatis majori, vicecomitibus et civibus comi-
 tatus civitatis *Waterford* et successoribus suis,
 diversas terras, tenementa, hereditamenta,
 franchises, libertates, jurisdictiones, privi-
 legia, immunitates, quietancias, et alia in
 eisdem contenta; prout per easdem literas
 patentes plenius liquet et apparet; CUMQUE 16
 iidem cives a tempore, cujus contrarii memoria
 hominum non existit, usque annum regni dicti
 patris nostri *Anglie* quintum decimum, diversa
 alia privilegia, libertates, franchises, immuni-
 tates, quietantias et alia hereditamenta habuerint,
 eisdemque usi fuerint et gavisi; CUMQUE dictus 17
 nuper precharissimus pater noster, postea in anno
 regni sui *Anglie*, *Francie*, et *Hibernie* decimo
 quinto, pro certis causis eum ad hoc moventibus,
 civitatem

civitatem predictam et libertates ejusdem in manus suas seisivit, et eadem sic seisita in manibus dicti patris nostri tempore mortis sue remanebant et adhuc in manibus nostris seisita remanent; sed cives civitatis predictæ NOBIS humilime supplicaverint, quatenus NOS de gracia nostra eos ad favorem nostrum regium readmittere, et in pristinum statum suum restituere dignaremur; quo melius nobis heredibus et successoribus nostris in-

18 servire poterint; SCIATIS quod NOS, petitioni predictæ dilectorum subditorum nostrorum in civitate predicta commorantium graciose annuentes, et animo nostro recolentes, quod civitas predicta est antiqua civitas, et quod inhabitantes et cives civitatis predictæ, a prima fundatione ejusdem, et subjugationis dicti regni *Hibernie* in fidem regum *Anglie*, et continuo abinde fuerunt civilis conversationis, bonis literis moribusque generosis imbuti, et ad artem mercatoriam apti et diligenter intenti; et quod a familiis et stirpibus Anglicanis orti sunt et cognomina anglicana in hunc diem retineant; quodque civitas hec, temporibus retroactis, personali residencia regis HENRICI *Anglie*, ejus nominis secundi, et JOHANNIS regis *Anglie* honorata, et pro fidelibus serviciis ad reges *Anglie* et coronas suas feliciter multoties actis, in aliquibus antiquis chartis eis indultis,, hec insignia honoris inter alia obtinuerit, ut civitas predicta appelletur URBS INTACTA,

19 et CAMERA REGIS; observantes etiam, quod permulti progenitorum et antecessorum nostrorum regum et reginarum *Anglie*, et inter et ante ceteros pater noster, beate memorie, civitatem predictam privilegiis et immunitatibus quamplurimis ampliaverunt; quorum beneficio cives civitatis predictæ eo magis capaces et habiles extiterunt, non solum ad eorum privata commoda et status obtinenda et augenda, sed etiam et temporibus

temporibus pacis et belli quamplurima servicia
 maxime acceptabilia peragere et performare
 regibus *Anglie*, tam ad hujus regni *Anglie* quam
 ad illius *Hibernie* incolumitatem et honorem;
 NOS etiam, animo nostro revolventes, quantum 20
 civitas predicta ab antiquo statu florente decesserit,
 et in quantam paupertatem et pene abjectam con-
 ditionem cives ejusdem redacti sunt, cum civitas
 predicta in manibus dicti patris nostri seiscita, ut
 prefertur, ea gubernatione et ordine, quibus
 ante floruerint, destituti, in contemptum eorum
 inciderint, quibus preesse et quos gubernare
 soliti erant; considerantesque quod civitas pre-
 dicta; et cives predicti, si favore nostro regio in
 pristinum statum et dignitatem restituantur, et
 divicias acquirere et reputationem antiquam
 recolligere eo magis valeant, quo et nobis et
 corone nostre servire possint; et in hisce tempori-
 bus, que impetus hostiles minitantur, magis sint
 habiles, et se ipsos et dictum regnum nostrum
Hibernie ab omni conatu et impetu hostili aut
 proditorio defendere; NOS, intuitu regio, hec 21
 omnia et multa alia prospicientes, de gratia nostra
 speciali ac ex certa scientia et mero motu nostris,
 VOLUMUS, ORDINAVIMUS, CONCESSIMUS, et
 CONSTITUIMUS, ac per presentes pro nobis, here-
 dibus et successoribus nostris, VOLUMUS, ORDI-
 NAMUS, CONCEDIMUS, et CONSTITUIMUS,
 quod civitas nostra de *Waterford* in regno nostro
Hibernie de cetero imperpetuum sit et erit LI-
 BERA CIVITAS de se, et quod dicta civitas
Waterford ac circuitus, jurisdictiones, et pre-
 cinctus inde de cetero sint et se extendent et
 protendent ac extendere et protendere valeant
 et possint, tam in longitudine et latitudine,
 quam in circuitu et precinctu, ad tales, con-
 similes et hujusmodi bundas, metas et limites,
 ad quos et quales et prout predicta civitas *Water-*
ford

ford ac circuitus et precinctus ejusdem ac jurisdictiones et libertates inde a tempore, cujus contrarii memoria hominum non existit, vel aliquo tempore ante datum presentium se plenius et largius extendere aut protendere consueverunt, ante seifuram et captionem predictam inde in
 22 manus dicti patris nostri; ET ULTERIUS pro melioratione ejusdem civitatis et pro diversis bonis considerationibus NOS specialiter moventibus, de uberiori gratia nostra et ex certa scientia et mero motu nostris, VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris ORDINAMUS, CONSTITUIMUS ET CONCEDIMUS, quod predicta civitas nostra *Waterford* ac omnia et singula domi, edificia, terre, aque et aquarum cursus, solum et fundum scituata, jacentia et existentia infra civitatem predictam, libertates, circuitus et precinctus ejusdem, nec non mons sive terra vasta prope le *Westgate*, civitatis predictæ, in et super quo fortilagium nunc constructum est, nec non omnes domi, edificia, terra, solum et fundum communiter vocatum seu cognitum per nomen de le *Church* et *Chancell de les Blackfriars* infra muros dicte civitatis *Waterford*, et locus ibidem nuper vocatus *our Lady Chappell*, nec non magnus portus ejusdem civitatis, qui intrat inter *Rodybanke* et *Rindoane* usque *Carrick* per aquam et sicut pulla sancte *Katherine* tendit usque ad metas de *Kilbarry*, et abinde usque ad metas de *Cloncredane*, et ab illis metis usque ad metas de *Portfichin*, nec non omnia et singula ville, villate et hamlete de *Killotheran*, *Ballinekelly* et *Killbarry*, in dicto regno *Hibernie*, ac omnes terre, tenementa et cetera hereditamenta quecumque cum pertinentiis, scituata, jacentia, et existentia in villis, hamletis, territoriis sive precinctibus de *Killotheran*, *Ballinekelly*, et preceptorio de *Killbarry*, et extendentia ab amne
Siuyre

Siuyre usque ad metas de *Killure*, nec non scitus, ambitus et precinctus nuper dissolute abbie de *Killkleybin* una cum terra dominicali ejusdem in comitatu nostro *Killkeny*, vel in comitatu civitatis *Waterford* adjacente et abbuttante ex boreali parte comitatus civitatis *Waterford* predictæ, ac etiam villa et hamleta de *Newton* alias *Lumbardsland*, *Ballytrokle* et *Grange* in comitatu *Waterford* vel in comitatu civitatis *Waterford* sive eorum altero, nec non terre, tenementa, solum, aque, et aquarum cursus, jacentia et existentia inter dictam civitatem *Waterford* et dictam villam de *Newton* alias *Lumbardsland*, *Grange* et *Ballytrokle*, continentia quadraginta acras terre, prati et pasture, per estimationem, nec non omnia terre, tenementa, et cetera hereditamenta quecumque cum pertinentiis scituata, jacentia et existentia in villa hamleta territorio sive precinctu dicte Abbie de *Killkleybin* et terre dominicalis ejusdem, ac etiam de et in villa sive villata de *Newton* alias *Lumbardsland* et *Ballytrokle* de cetero imperpetuum sint et erunt unus comitatus de se distinctus et separatus a predicto comitatu *Waterford* et a comitatu *Killkenny*, in dicto regno nostro *Hibernie*, et ab omnibus aliis comitatibus ejusdem regni quibuscunque, et non parcella dictorum comitatum *Waterford* et *Killkenny* aut eorum alterius aut alicujus alii comitatus dicti regni cujuscunque, et quod per nomen *comitatus civitatis Waterford* imperpetuum appelletur et nuncupetur; SALVIS 23
semper nobis heredibus et successoribus nostris, tam compositione nostra modo stabilita vel imposterum stabilienda, quam omnibus aliis oneribus patrie et impositionibus, quibus premissa viz. *Killkleybin*, *Newton* alias *Lumbardsland* et *Ballytrokle* onerari consueverunt, aut debuerunt ante hanc concessionem nostram; SALVIS etiam nobis, heredibus et successoribus nostris, et
C plena

plena intentio nostra est, quod bene liceat et
 licebit tam justiciariis nostris, heredum et succes-
 sorum nostrorum ad assisas in comitatu nostro
Waterford capiendas, ac justiciariis nostris, heredum
 et successorum nostrorum ad gaolam dicti comita-
 tus *Waterford* deliberandam, nec non justiciariis
 nostris, heredum et successorum nostrorum, ad
 pacem in dicto comitatu *Waterford* conservan-
 dam, assignatis et assignandis, ac omnibus et
 singulis vicecomitibus, escaetoribus et aliis com-
 missionariis, officiariis et ministris nostris, here-
 dum et successorum nostrorum dicti comitatus
Waterford aut ad aliqua servicia pro nobis, here-
 dibus aut successoribus nostris in vel infra dictum
 comitatum *Waterford* peragenda separatim et res-
 pective, non solum de tempore in tempus de
 cetero imperpetuum habere et tenere generales
 assisas et generales sessiones gaole deliberationis ac
 generales sessiones pacis pro predicto comitatu
Waterford de rebus et materiis in comitatu *Wa-*
terford et extra civitatem et comitatum civitatis
Waterford predictae contingentibus, ac fortilagia,
 gaolas, domos et edificia, pro executione eorun-
 dem premissorum necessaria, erigere, edificare,
 et construere in et super predictum montem,
 sive vacuam peciam terre prope le *Westgate* civi-
 tatis predictae, in et super quo fortilagium nunc
 constructum est, aut in vel infra domum, edi-
 ficium, terram, solum et fundum communiter
 vocatum sive cognitum per nomen de le *Church*
 et *Cbancell de les Blackfriers* infra muros dictae
 civitatis *Waterford* et locum ibidem nuper voca-
 tum *our Lady Chappell*, sed eciam HABERE et
 TENERE omnes alias curias et conventus suos pro
 executione commissionum aut aliorum publicorum
 negotiorum dicti comitatus *Waterford*, extra
 civitatem et comitatum civitatis predictae contin-
 gentium, aut nos aut aliquos subditos nostros,
 heredum

heredum vel successorum nostrorum in dicto comitatu *Waterford* extra comitatum civitatis predictæ tangentium sive concernentium ; aliquo in presentibus contento in contrarium non obstante ; ET quod cives civitatis *Waterford* predictæ, 24
nec non major, vicecomites et cives comitatus civitatis predictæ, ac omnes et singuli cives inhabitantes et residentes infra civitatem predictam aut infra villas, villatas, hamletas, territoria et precinctus predictos et successores sui, per quodcunque nomen sive per quecunque nomina incorporationis antehac incorporati fuerunt, ac utrum ante hac incorporati fuerunt sive non, de cetero imperpetuum vigore presentium sint et erunt unum corpus corporatum et politicum in re, facto et nomine per nomen *majoris, vicecomitum, et civium comitatus civitatis Waterford* in regno *Hibernie*, et eos per nomen *majoris, vicecomitum et civium comitatus civitatis Waterford* in regno *Hibernie* unum corpus corporatum et politicum in re, facto et nomine realiter et ad plenum pro nobis, heredibus et successoribus nostris, ERIGIMUS, FACIMUS, ORDINAMUS, CONSTITUIMUS, CREAMUS, CONFIRMAMUS, RATIFICAMUS et DECLARAMUS per presentes, et quod per idem nomen habeant successionem perpetuam ; ET 25
quod ipsi per nomen *majoris, vicecomitum et civium comitatus civitatis predictæ* sint et erunt de cetero imperpetuum *persone habiles* et in lege capaces ad HABENDUM, CAPIENDUM, PERQUIRENDUM, RECIPIENDUM, POSSIDENDUM, GAUDENDUM et RETINENDUM maneria, terras, tenementa, libertates, privilegia, jurisdictiones, franchises et alia hereditamenta quecunque, cujuscunque generis, nature vel speciei fuerint sibi et successoribus suis in feodo et perpetuitate, ac ad terminos quoscunque, ac etiam omnimoda bona et catalla et quascunque alias res cujuscunque generis, nominis, nature,

- nature, qualitatis vel speciei sint vel fuerint, nec non ad DANDUM, CONCEDENDUM, DIMITTENDUM et ASSIGNANDUM terras, tenementa et alia hereditamenta, bona et catalla, et omnia et singula alia facta et res faciendum et exequendum per
- 26 nomen predictum; ET quod per idem nomen *majoris, vicecomitum et civium comitatus civitatis Waterford* in regno *Hibernie*, placitare et implacitari, respondere et responderi, defendere et defendi valeant et possint, in quibuscunque curiis, placeis et locis, ac coram quibuscunque iudicibus et iusticiariis et aliis officiariis et ministris nostris, heredum et successorum nostrorum in omnibus placitis, querelis, sectis, causis, materiis, et demandis realibus, personalibus et mixtis quibuscunque, tam spiritualibus quam temporalibus, cujuscunque sint generis, nominis, nature vel speciei, eisdem modo et forma prout aliqui alii ligei nostri persone habiles et in lege capaces sive aliquod aliud corpus incorporatum et politicum infra regna *Anglie* vel *Hibernie* HABERE, PERQUIRERE, PERCIPERE, POSSIDERE, GAUDERE, RETINERE, DARE, CONCEDERE, DIMITTERE, ALIENARE, ASSIGNARE et DISPONERE, PLACITARE, et IMPLACITARI, RESPONDERE, et RESPONDERI, DEFENDERE et DEFENDI, FACERE, PERMITTERE
- 27 seu EXEQUI possint et valeant; ET quod predictus major, vicecomites et cives comitatus civitatis predictæ et successores sui habeant imperpetuum commune sigillum, pro causis et negotiis suis et successorum suorum quibuscunque agendis, defer-
- 27 viturum; ET quod bene liceat et licebit eisdem majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, sigillum illud ad libitum suum de tempore in tempus frangere, mutare et de novo facere; prout eis melius et
- 28 magis expediens fieri et fore videbitur; ET ULTERIUS, ex amore nostro intimo, quo
fideles

fideles subditos nostros prosequimur ; AC de ube- 29
 riori gratia nostra speciali, certa scientia et mero
 motu nostris, Nec non avisamento consilii nostri
 regni nostri *Anglie*, RESTITUIMUS, CONCEDIMUS
 et CONFIRMAMUS prefatis majori, vicecomitibus
 et civibus comitatus civitatis predictæ et succes-
 soribus suis, ac singulis civibus ejusdem civitatis,
 predictam civitatem de *Waterford* ac omnes et
 omnimodas libertates, franchises, immunitates,
 exemptiones, privilegia, quietantias, jurisdiction-
 es, tenementa vasta, vacua funda, communias
 et hereditamenta quecunque, que major, vice-
 comites et cives comitatus civitatis predictæ, aut
 singuli cives ejusdem civitatis modo habent,
 tenent, utuntur et gaudent, aut habere, tenere,
 uti et gaudere debuere, aut que ipsi vel predeces-
 sores sui per nomen *civium* civitatis predictæ, aut
 per nomen *prepositi*, *ballivorum* et *civium* aut per
 nomen *majoris*, et *ballivorum* civitatis predictæ,
 aut per nomen *majoris*, *ballivorum* et *civium* civi-
 tatis predictæ, aut per nomen *majoris* et *communi-*
tatis civitatis predictæ, aut per quodcunque aliud
 nomen sive per quecunque alia nomina, sive per
 quamcunque incorporationem, sive per quascun-
 que incorporaciones, sive pretextu cujuscunque
 incorporationis antehac, habuerunt, usi vel gavisi
 fuerunt, aut habere, tenere, uti vel gaudere
 debuere aut debuit, ratione vel pretextu predicta-
 rum literarum patentium superius recitatarum vel
 mentionatarum aut aliquarum earundem aut ali-
 quarum aliarum cartarum aut literarum patentium
 per aliquem vel aliquos progenitorum vel anteces-
 sorum nostrorum regum vel reginarum *Anglie*
 quoquomodo antehac factarum, concessarum,
 seu confirmatarum, aut ratione alicujus actus
 parliamenti vel aliquorum actuum parliamenti,
 seu quocunque alio modo, jure seu titulo, consue-
 tudine, usu sive prescriptione antehac legitime
 usitata,

- 30 usitata, habita, sive consueta; AC ut ipsi et singuli eorum, tanquam membra ejusdem civitatis, omnibus et singulis premissis uti et gaudere VOLUMUS per presentes; licet eadem aut eorum aliquod vel aliqua antehac usa non fuere vel fuit, aut male usa vel abusa, aut discontinuata fuere vel fuit, ac licet eadem aut eorum aliquod vel aliqua forisfacta, deperdita, aut capta seu seifita sunt vel fuere in manus nostras sive in manus dicti patris nostri seu aliquorum progenitorum nostrorum; Et ut major, vicecomites et cives civitatis predictæ et successores sui, nec eorum aliquis vel aliqui, ratione vel pretextu predictæ captionis et seifure libertatum civitatis predictæ in manus dicti patris nostri seu in manus nostras, nullo modo occasionentur, molestantur vel in questionem trahantur et, ut omnis ambiguitas et exceptio juris in hac regali nostra restitutione tollatur; eo quod antequam libertates, privilegia, jurisdictiones, literæ patentes et concessiones progenitorum nostrorum, regum et reginarum *Anglie*, et seifura libertatum predictarum generaliter recitantur; et, ut benigna intentio nostra magis elucescat, VOLUMUS, ac per presentes DECLARAMUS omnia et singula in predictis prerecitatis literis patentibus contenta sive mentionata esse ejusdem vigoris, roboris et effectus, ac si ea omnia, verbatim, in hiis literis nostris patentibus specificarentur et particulariter recitarentur, et quod in omnibus curiis nostris, heredum et successorum nostrorum sic adjudicentur, interpretentur et predictis civibus allocentur absque ulteriori warranto a nobis heredibus et successoribus nostris
- 31 in hac parte obtinendo vel procurando; HABENDUM, TENENDUM et GAUDENDUM prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis imperpetuum;
- 32 ET ulterius VOLUMUS, ac per presentes pro nobis,

nobis, heredibus et successoribus nostris CONCE-
 DIMUS prefatis majori, vicecomitibus et civibus
 comitatus civitatis predictæ et successoribus suis,
 quod omnes et singuli inhabitantes, tenentes et
 alii residentes quicunque infra predictam civita-
 tem, villas, villatas hamlettas, territoria et præ-
 cinctus superius mentionatos fore comitatus civi-
 tatis predictæ imperpetuum sint, erint, continu-
 abunt et permanebunt sub legibus, ordinationibus
 et constitutionibus civitatis predictæ, ac sub
 regimine et directione majoris, vicecomitum et
 civium comitatus civitatis predictæ in talibus et
 hujusmodi modo et forma ad omnia intentiones et
 proposita, prout inhabitantes, tenentes et resi-
 dentes comitatus civitatis predictæ unquam ante-
 hac fuere, aut imposterum esse debent; aliqua
 lege, proclamatione sive restrictione in dicto
 regno nostro *Hibernie* facta, edita sive provisâ in
 contrarium non obstante; ET eo quod occasione 33
 predicta ad presens nullus est major debite electus
 et prefectus de aut in civitate predicta nec aliqui
 vicecomites aut alii officarii, quorum cure et
 gubernationi regimen civitatis predictæ subtus
 nos ad presens committamus, et ne forte, occa-
 sione predicta, in aliquod dubium imposterum
 trahatur, si, virtute predictarum literarum
 patentium paulo antea recitatarum aut earum
 aliquarum, majorem, vicecomites et alios offi-
 ciarios modo eligere et constituere possint, et ne
 forte dictæ litere patentes insufficientes aut in lege
 vacue forent aut aliquis error aut defectus accide-
 rit in aliquo premissorum, que omnia pro bono
 publico et communi utilitate civitatis predictæ ac
 civium et inhabitantium ejusdem non solum
 integrè et ad plenum restituere et restaurare
 volumus, sed eciem de novo CONCEDERE digna-
 remur; SCIATIS ulterius quod nos, pro nobis, 34
 heredibus et successoribus nostris, CONCEDIMUS

et

- et ORDINAMUS, quod de cetero imperpetuum, sit et erit unus de magis probioribus et discretioribus civibus civitatis predictæ, in forma inferius in hiis presentibus mentionata, eligendus, qui erit et nominabitur MAJOR civitatis predictæ, quodque similiter sint et erunt infra civitatem predictam duo probi et discreti cives civitatis predictæ, in forma eciam inferius mentionata eligendi, qui sint erunt et vocabuntur VICECOMITES comitatus civitatis predictæ ;
- 35 AC eciam VOLUMUS, CONCEDIMUS et ORDINAMUS pro nobis, heredibus et successoribus nostris, quod de tempore in tempus de cetero imperpetuum sint et erunt infra civitatem predictam octodecem discreti viri in forma inferius in presentibus mentionata, eligendi, qui sint, erunt, et vocabuntur ALDERMANI civitatis predictæ, quodque similiter sint et erunt infra civitatem predictam novemdecem alii discreti viri, in forma inferius etiam in presentibus mentionata, eligendi, qui sint erunt et vocabuntur
- 36 ASSISTENTES civitatis predictæ ; ET ULTERIUS VOLUMUS, ac per presentes, pro nobis, heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus civitatis predictæ et successoribus suis, quod vicecomites, aldermani et assistentes civitatis predictæ pro tempore existente, sint et erunt ac imperpetuum futuris temporibus vocabuntur COMMUNE CONSILIUM civitatis predictæ, et erunt de tempore in tempus assistentes et auxiliantes majori civitatis predictæ pro tempore existente in et pro omnibus rebus, materiis, causis et negotiis civitatis predictæ aut bonum regimen statum et gubernationem ejusdem aut comitatus ejusdem civitatis tangentibus sive
- 37 concernentibus ; ET ULTERIUS VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et

et successoribus suis, quod major, vicecomites, aldermani et assistentes civitatis predictæ, pro tempore existente, aut major pars eorum (quorum majorem ejusdem civitatis pro tempore existente, unum esse VOLUMUS) super summonitionem publicam inde faciendam ad hoc in communi aula seu alio loco conveniente infra civitatem predictam congregati, habeant et habebunt plenam potestatem et auctoritatem condendi, constituendi, ordinandi et faciendi de tempore in tempus leges, statuta, constitutiones, decreta et ordinationes rationabilia in scriptis quecunque, que eis aut majori parti eorum (quorum majorem civitatis predictæ pro tempore existente unum esse volumus) bona, salubria, utilia, honesta et necessaria juxta eorum sanas discretionem fore videbuntur, pro bono regimine et gubernatione civitatis et comitatus civitatis predictæ, ac omnium et singulorum officiariorum, ministrorum, artificum, inhabitantium et residentium quorumcunque infra civitatem predictam aut comitatum civitatis predictæ pro tempore existente; ac pro declaratione quo modo et ordine iidem major, vicecomites, aldermani, assistentes ac omnes et singuli cives officarii, ministri, artifices, inhabitantes et residentes civitatis predictæ et comitatus civitatis predictæ in officiis, ministeriis, functionibus, artificiis, et negotiis suis infra civitatem et comitatum civitatis predictæ, ac libertates et precinctus ejusdem pro tempore existente sese habebunt, gerent et utentur pro ulteriori bono publico, communi utilitate et bono regimine et gubernatione civitatis et comitatus civitatis predictæ, ac victualatione ejusdem, ac res et causas alias quascunque civitatem predictam aut comitatum civitatis predictæ, tangentes seu quoquo modo concernentes; QUODQUE iidem
 38
 major, vicecomites, aldermani et assistentes
 D civitatis

civitatis predictæ, pro tempore existente, aut major pars eorundem (quorum majorem semper unum esse volumus) quotiescunque hujusmodi leges, institutiones, jura, ordinationes et constitutiones condiderint, fecerint, ordinaverint et stabiliverint in forma predicta, hujusmodi et tales penas, punitiones et penalitates per imprisonment corporis vel per fines et amerciamenta vel per eorum utrumque, erga et super omnes transgredientes sive delinquentes contra hujusmodi leges, jura, institutiones, ordinationes et constitutiones, sive eorum aliquod vel aliqua imponere et assidere possint, qualia et que eisdem majori, vicecomitibus, aldermanis et assistentibus civitatis predictæ pro tempore existente vel majori parti eorum (quorum majorem unum esse volumus) opportuna, debita, requisita, et necessaria pro observatione earundem legum, institutionum, decretorum, ordinationum et constitutionum melius fore videbitur facere, ordinare, limitare, et providere, ac eadem fines et amerciamenta levare et habere possint per distractionem aut alio quocunque legali modo, et se inde in feisinam ponere, per se aut ministros sive deputatos suos in sustentationem onerum dictæ civitatis, absque impedimento, impetitione vel contradictione nostri, heredum vel successorum nostrorum seu deputati seu locumtenentis nostri, heredum vel successorum nostrorum aut aliquorum officiariorum sive ministrorum nostrorum heredum vel successorum nostrorum in *Hibernia* quorumcunque et absque computo nobis heredibus vel successoribus nostris aut officiariis seu ministris nostri, heredum vel successorum nostrorum in *Hibernia* predicta aliququaliter reddendo; que omnia et singula leges, ordinationes institutiones, constitutiones, decreta, jura et statuta, sic, ut prefertur, fienda, observari volumus sub penis in iisdem continendis; ita tamen

tamen quod hujusmodi leges, institutiones, ordinationes, constitutiones, imprisonamenta, fines et amerciamenta sint rationabilia et non sint repugnantia nec contraria legibus, statutis, consuetudinibus, sive juribus regni nostri *Hibernie*; ET pro meliori executione voluntatis et concessionis nostre in hac parte ASSIGNAVIMUS, NOMINAVIMUS, CREAVIMUS, CONSTITUIMUS et FECIMUS, ac per presentes, pro nobis, heredibus et successoribus nostris, ASSIGNAMUS, NOMINAMUS, CREAMUS, CONSTITUIMUS et FACIMUS dilectum nobis *Jacobum Woodlocke* civem civitatis predictæ fore et esse primum, et modernum majorem civitatis predictæ, volentes quod idem *Jacobus Woodlocke* in officio majoris civitatis predictæ erit et continuabit a confectione presentium, usque ad festum sancti *Michaelis* archangeli quod erit in anno domini, millesimo sexcentesimo vicesimo septimo, et exinde quousque unus alius ad officium illud debito modo electus, prefectus, et juratus fuerit juxta ordinationes, et provisiones in hiis presentibus inferius expressas et declaratas; si idem *Jacobus Woodlocke* tam diu vixerit; ASSIGNAVIMUS etiam, nominavimus, constituimus et fecimus, ac per presentes pro nobis, heredibus et successoribus nostris, assignamus, nominamus, constituimus et facimus dilectos nobis *Robertum Leonard* et *Matheum Graunte* fore et esse primos et modernos vicecomites comitatus civitatis predictæ, continuandos in officio vicecomitum comitatus civitatis predictæ a dato presentium usque ad predictum festum sancti *Michaelis* archangeli, quod erit in predicto anno domini millesimo sexcentesimo vicesimo septimo, et exinde quousque duo alii ad officium illud debito modo electi prefecti et jurati fuerint secundum ordinationes et provisiones inferius in presentibus declaratas, si iidem *Robertus Leonard*

39

40

- 41 et *Matheus Graunte* tam diu vixerint ; ASSIGNAVIMUS etiam NOMINAVIMUS, CONSTITUIMUS et FECIMUS, ac per presentes pro nobis, heredibus nostris ASSIGNAMUS, NOMINAMUS, CONSTITUIMUS et FACIMUS dilectos nobis *Richardum Aylward* militem, *Petrum Aylward* militem, *Johannem Sherlocke* armigerum, *Willielmum Dobyn* armigerum, *Richardum Wadding* armigerum, *Robertum Wise* armigerum, *Richardum Straunge* armigerum, *Jacobum Walsb* armigerum, *Thomam Sherlocke* armigerum, *Richardum Butler* armigerum, *Alexandrum Leonard* mercatorem, *Johannem Skiddy* mercatorem, *Alexandrum Cusse* mercatorem, *Nicholaum Wise* generosum, *Jasperum Woodlocke* mercatorem, *Willielmum Lincoll* mercatorem, *Jacobum White* generosum, et *Robertum Lumbard* generosum fore et esse primos et modernos octodecem aldermanos civitatis predictæ, continuandos in officio aldermanorum civitatis predictæ durantibus vitis suis naturalibus ; nisi interim pro mala gubernatione in ea parte aut pro aliqua alia causâ rationabili ab officio, gradu sive statu illo amoti erunt vel eorum aliquis amotus erit ;
- 42 ASSIGNAVIMUS etiam, NOMINAVIMUS, CONSTITUIMUS et FECIMUS, ac per presentes pro nobis, heredibus et successoribus nostris, ASSIGNAMUS, NOMINAMUS CONSTITUIMUS et FACIMUS dilectos subditos nostros *Patricium Meiler*, *Johannem Morgan*, *Jacobum Walsb Fitz Martin*, *Patricium White*, *Jacobum Lumbard*, *Paulum Sherlocke*, *Bartholemeum Lincoll*, *Johannem Levett*, *Thomam Walsb*, *Willielmum Cleere*, *Gerrot Geraldine*, *Nicholaum Browne*, *Thomam Mayne*, *Willielmum Lincolne Fitz Robert*, *Robertum Lincoll*, *Thomam White*, *Nicholaum Maddon*, *Johannem Porter*, et *Johannem Faggan* fore et esse primos et modernos novemdecem assistentes civitatis predictæ, continuandos in officio assistentium civitatis

civitatis predictæ durantibus vitis suis naturalibus, nisi interim pro mala gubernatione aut male se gerendo in ea parte aut aliqua causa rationabili, ab officio sive loco illo amoti erunt, aut eorum aliqui vel aliquis amoti erunt vel amotus erit; **ET ULTERIUS** VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris **CONCE-** 43
DIMUS, prefatis majori vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod major et commune consilium civitatis predictæ pro tempore existente vel major pars eorum de tempore in tempus perpetuis futuris temporibus, potestatem et authoritatem habeant et habebunt annuatim et quolibet anno in die *lune* proximo post festum visitationis sanctæ *Marie* virginis in predicto anno domini millesimo sexcentesimo viceesimo septimo semet vel eorum majorem partem congregandi et assemblandi in communi aula civitatis predictæ, sive in alio loco conveniente infra civitatem predictam, juxta eorum discretiones limitando et assignando, et ibidem continuandi, quousque ipsi vel eorum major pars ibidem tunc assemblata ad tunc nominaverint et elegerint unum de aldermanis civitatis predictæ fore et esse majorem civitatis predictæ; **ET** quod tunc et 44
ibidem nominare et eligere possint et valeant antequam abinde recesserint unum de aldermanis civitatis predictæ pro tempore existente, qui erit major civitatis predictæ, quodque ille postquam sic, ut prefertur, nominatus et electus fuerit in majorem civitatis predictæ, antequam ad officium illud exequendum admittatur, sacramentum corporale super sanctum dei Evangelium annuatim in festo sancti *Michaelis* archangeli tunc proxime sequente post dictum diem electionis coram ultimo majore, predecessore suo, aut in ejus absentia coram hujusmodi de aldermanis et assistentibus civitatis predictæ, qui tunc presentes fuerint in communi aula predicta, aut in alio loco conveniente

conveniente infra civitatem predictam juxta eorum discretionem assignando, ad officium illud recte et fideliter in omnibus et per omnia officium illud tangentia, exequendum, prestabit; ET quod post hujusmodi sacramentum sic prestitum officium majoris civitatis predictæ pro uno anno integro, videlicet usque ad festum sancti *Michaelis* archangeli ex tunc proxime sequens exequi possit et valeat; et ulterius quousque unus alius de aldermanis civitatis predictæ pro tempore existente debito modo et forma in majorem civitatis predictæ electus et juratus fuerit secundum ordinationes et constitutiones superius in presentibus declaratas; **VOLUMUS ECIAM** ac per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod major et commune consilium civitatis predictæ pro tempore existente vel major pars eorum de tempore in tempus perpetuis futuris temporibus potestatem et auctoritatem habeant et habebunt annuatim et quolibet anno in die lune proximo post festum visitationis beate *Marie* virginis in predicto anno domini millesimo sexcentesimo vicesimo septimo semet, vel eorum majorem partem, congregandi et assemblandi in predicta eorum aula civitatis predictæ sive in alio loco conveniente infra civitatem predictam, ut prefertur, et ibidem continuandi quousque ipsi vel eorum major pars ibidem tunc assemblata ad tunc nominaverint et elegerint duos de assistentibus civitatis predictæ fore et esse vicecomites comitatus civitatis predictæ; ET quod tunc et ibidem nominare et eligere possint et valeant, antequam abinde recesserint, duos de assistentibus civitatis predictæ pro tempore existente, qui erunt vicecomites comitatus civitatis predictæ, quodque illi, postquam sic, ut prefertur, nominati et electi fuerint in vicecomites comitatus civitatis predictæ, antequam

antequam ad officiū illud vicecomitum comitatus civitatis predictę exequendum admittantur, seu eorum alter admittatur, sacramentum corporale super sanctum dei evangelium annuatim in festo sancti *Michaelis* archangeli tunc proxime sequente dictum diem electionis, si tunc presentes fuerint seu eorum alter presens fuerit, et si absentes fuerint vel eorum alter absens fuerit, infra tempus congruum et rationabile tunc proxime sequens post dictum diem sive festum sancti *Michaelis* archangeli coram majore civitatis predictę pro tempore existente aut in ejus absentia coram hujusmodi de aldermanis et assistentibus civitatis predictę, qui ad tunc interesse voluerint in communi aula aut alio loco conveniente, ut predictum est, ad officiū vicecomitum civitatis predictę recte et fideliter in omnibus et per omnia, officiū illud tangentiā, exequendum, prestabunt, et eorum alter prestabit, et quod post dictum sacramentum sic prestitum, officiū vicecomitum comitatus civitatis predictę, pro uno anno integro, videlicet usque ad festum sancti *Michaelis* tunc proxime sequens exequi possint et valeant et eorum alter possit et valeat; et ulterius, quousque alius vel alii de assistentibus civitatis predictę pro tempore existente debito modo et forma respective electus et juratus fuerit, electi et jurati fuerint in vicecomitem vel vicecomites comitatus civitatis predictę; secundum ordinationes et constitutiones superius in presentibus declaratas; **ET ULTERIUS** VOLU- 47
MUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictę et successoribus suis, quod si aliquo tempore impofterum contigerit majorem civitatis predictę pro tempore existente, infra unum annum postquam ad officiū majoris civitatis predictę, ut
prefertur,

- prefertur, prefectus et juratus fuerit, obire vel
 ab officio suo amoveri vel discedere (quem qui-
 dem majorem, in officio illo se non bene ge-
 rentem, aut pro aliqua causa rationabili amobi-
 lem et amovendum esse **VOLUMUS** ad discretio-
 nem et beneplacitum vicecomitum, aldermano-
 rum et assistentium civitatis predictæ pro tempore
 existente, vel majoris partis eorundem) quod
 tunc et toties bene liceat et licebit predictis vice-
 comitibus, aldermanis et assistentibus civitatis
 predictæ pro tempore existente semet vel eorum
 majorem partem infra tempus congruum et ra-
 tionabile proxime sequens ipsius majoris mortem,
 amotionem vel decessum, assemblare in commu-
 ni aula aut alio loco conveniente infra civitatem
 predictam, et ibidem nominare eligere et prefic-
 cere unum probum et idoneum virum de predic-
 tis aldermanis in majorem et pro majore civitatis
 predictæ in loco ipsius majoris sic mortui vel ab
 48 officio amoti vel discedentis; **ET** quod ille in
 officio majoratus sic electus et prefectus (sacra-
 mento corporali in forma predicta prius prestito)
 officium illud habeat et exerceat durante residen-
 tia ejusdem anni, et exinde, quousque unus alius
 de aldermanis civitatis predictæ ad officium illud
 debito modo electus et juratus fuerit; et sic toties
 49 quoties casus sic acciderit; **ET SI** contigerit
 vicecomites comitatus civitatis predictæ pro tem-
 pore existente aut eorum alterum infra unum
 annum, postquam ad officium vicecomitum
 comitatus civitatis predictæ, ut prefertur, prefec-
 ti et jurati fuerint, obire vel ab officio illo amove-
 ri vel decedere (quos quidem vicecomites et
 eorum alterum se in officio illo non bene gerentem
 vel gerentes aut pro aliqua causa rationabili ad
 discretionem et bene placitum majoris et commu-
 nis consilii civitatis predictæ pro tempore existen-
 te, vel majoris partis eorundem, quorum major
 unus

unus sit, amobilem et amobiles esse volumus;) quod tunc et toties bene liceat et licebit majori et communi consilio civitatis predictæ, pro tempore existente, vel majori parti eorum in forma predicta, infra civitatem predictam assemble, nominare, eligere et preficere unum vel duos de assistentibus civitatis predictæ, pro tempore existente, ad supplendum predictum numerum duorum vicecomitum comitatus civitatis predictæ, in locum sive loca ipsius vel ipsorum sic mori, amoveri vel decedere contingentis vel contingentium; ET quod ille sive illi sic electi et prefecti (sacramento corporali in forma predicta prius prestita) officium illud habeat et exercent, habeant et exercent, durante residentia ejusdem anni, et exinde quousque duo alii de assistentibus civitatis predictæ ad officium illud exequendum debito modo electi, prefecti et jurati fuerint; et sic toties quoties casus sic acciderit; ET quando-
 cunque contigerit aldermanos civitatis predictæ pro tempore existente aut eorum aliquem vel aliquos mori vel ab officio suo vel officiis suis amoveri vel decedere (quos quidem aldermanos et eorum aliquem vel aliquos pro aliqua causa rationabili ad bene placitum majoris, vicecomitum et ceterorum aldermanorum superviventium et in officiis suis se bene gerentium et assistentium civitatis predictæ, pro tempore existente, vel majoris partis eorundem (quorum major unus sit) amobilem et amobiles esse volumus;) quod tunc et toties bene liceat et licebit majori, vicecomitibus et ceteris aldermanis remanentibus, ut predictum est, et assistentibus civitatis predictæ pro tempore existente, vel majori parti eorum (quorum majorem unum esse volumus) ad hoc in forma predicta congregare et assemble unum alium vel plures alios de assistentibus civitatis predictæ, pro tempore existente, in locum sive loca ipsius
 E aldermani

- aldermani vel ipforum aldermanorum sic mortuorum vel ab officio illo amotorum vel decedentium ad supplendum predictum numerum octodecem aldermanorum civitatis predictæ, nominare, eligere et preficere; ET quod ille sive illi, ut prefertur, ad officium sive officia aldermani vel aldermanorum civitatis predictæ electus et prefectus, electi et prefecti (sacramentis corporalibus coram maiore civitatis predictæ pro tempore existente ad officium illud in omnibus et per omnia bene et fideliter exequendum in forma predicta prius prestitis) erit et erunt de predicto numero octodecem aldermanorum civitatis predictæ; **VOLUMUS** etiam quod, quandocunque contigerit, aliquem vel aliquos assistentium civitatis predictæ, pro tempore existente, obire vel ab officio sive loco suo vel officiis seu locis suis amoveri vel decedere (quos quidem assistentes et eorum aliquem vel aliquos amobilem et amobiles esse **VOLUMUS**, pro aliqua causa rationabili ad beneplacitum maioris, vicecomitum, aldermanorum et ceterorum assistentium superviventium et remanentium pro tempore existente vel maioris partis eorundem, (quorum maiorem unum esse **VOLUMUS**) quod tunc et toties bene liceat et licebit majori, vicecomitibus, aldermanis et ceteris assistentibus civitatis predictæ superviventibus et remanentibus vel majori parti eorum (quorum maiorem unum esse **VOLUMUS**) ad hoc in forma predicta congregare et assembleare unum alium vel plures de melioribus et discretioribus civibus civitatis predictæ, in locum sive loca ipsius assistentis vel ipforum assistentium sic mortuorum vel ab officio illo amotorum vel decedentium, nominare, eligere et preficere ad supplendum predictum numerum novemdecem assistentium civitatis predictæ; ET **ULTERIUS VOLU-**

MUS ac per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod si contigerit, majorem civitatis predictæ, pro tempore existente, adeo languidum esse egritudine aut in tantum laborare, quod necessaria negotia civitatis predictæ intendere non possit; aut civitatem predictam pro aliqua causa rationabili egrediatur; quod tunc et toties bene liceat et licebit majori civitatis predictæ, pro tempore existente, facere et constituere unum probum et discretum virum de aldermanis civitatis predictæ fore et esse deputatum ipsius majoris, pro tempore existente, sic egritudine laborantis, aut pro causa rationabili sic, ut prefertur, absentis; continuandum in eodem officio in absentia vel egritudine majoris civitatis predictæ, pro tempore existente; qui quidem aldermanus in officio deputati majoris sic deputandus et constituendus, ea omnia et singula, que ad officium majoris civitatis predictæ infra eandem civitatem, libertates et precinctus ejusdem aut comitatum ejusdem civitatis pertinent, seu pertinere debent, facienda et exequenda, facere et exequi valeat et possit, durante tempore absentie vel egritudine majoris pro tempore existente, vigore harum literarum nostrarum patentium, adeo plene, libere et integre, ac in tam amplis modo et forma prout major civitatis predictæ, si presens esset, virtute harum literarum nostrarum patentium aut aliquo alio modo exequi valeret aut posset (sacramento corporali, ad omnia et singula, que ad officium deputati majoris civitatis predictæ pertinent, recte, bene et fideliter exequendum, coram aliquibus duobus vel pluribus aldermanorum civitatis predictæ, pro tempore existente, prius prestito;) et sic toties quoties casus sic acciderit; **QUARE VOLUMUS,** 55

ac per presentes, pro nobis, heredibus et successoribus nostris plenam potestatem et auctoritatem duobus vel pluribus aldermanorum civitatis predictæ, pro tempore existente, dandi et administrandi sacramentum corporale super sanctum dei evangelium cuilibet deputato majori in hujusmodi casu, ut prefertur, constituendo, pro vera executione officii deputati majoris dicte civitatis, secundum tenorem presentium, DAMUS et CONCEDIMUS per presentes, absque aliqua commissione sive ulteriori warranto in ea parte procurando; ET INSUPER pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod si aliquis vel aliqui de civibus comitatus civitatis predictæ, qui impofterum ad officium sive locum majoris, aldermani, vicecomitis, assistentis, constabularii sive alius ministri sive officarii inferioris civitatis predictæ aut comitatus civitatis predictæ aut eorum alicujus (excepto officio recordatoris et communis clerici civitatis predictæ) electus et nominatus fuerit, electi et nominati fuerint; ac habens sive habentes notitiam vel cognitionem electionis et nominationis illius, recusaverint vel renuerint, recusaverint vel renuerint officium illud sive loca illa, ad quod vel que ipse vel ipsi sic nominatus et electus fuerit, nominati et electi fuerint, acceptare et in se, suscipere et exequi; quod tunc et toties bene liceat et licebit majori, vicecomitibus, aldermanis et assistentibus civitatis predictæ, pro tempore existente, vel majori parti eorum, ipsum vel ipsos sic recusantem vel renuentem, recusantes vel renuentes officium sive locum, sive officia sive loca illa ad quod vel que ipse vel ipsi sic nominatus et electus fuerit, nominati et electi fuerint, committere alicui gaule civitatis predictæ, ibidem remansuros, quousque officium sive locum illum vel

vel officia five loca illa exercere velit vel velint,
 aut aliter fines, amerciamenta super hujusmodi
 recusantem et recusantes taxare; prout eisdem
 majori, vicecomitibus, aldermanis et assistentibus
 vel majori parti eorum, pro tempore existente,
 rationabile videbitur; ac in defectu solutionis
 hujusmodi finium et amerciamentorum ipsum vel
 ipsos capere et gaole predictæ civitatis committere
 et ibidem retinere, quousque fines et amercia-
 menta illa ad usum communitatis civitatis predictæ
 solvat seu solvi faciat solvant seu solvi faciant; ET 57 -
 ULTERIUS VOLUIMUS, ac per presentes, pro
 nobis, heredibus et successoribus nostris, CONCE-
 DIMUS prefatis majori, vicecomitibus et civibus
 comitatus civitatis predictæ et successoribus suis,
 quod ipsi et successores sui de cetero imperpetuum
 habeant et habebunt infra civitatem predictam
 unum virum discretum, in legibus *Anglie* erudi-
 tum, qui erit et nominabitur RECORDATOR civi-
 tatis predictæ; ET pro meliori executione volun- 58
 tatis et concessionis nostre in hac parte, ASSIGNA-
 VIMUS, NOMINAVIMUS, CONSTITUIMUS et FECI-
 MUS, ac per presentes pro nobis, heredibus et
 successoribus nostris, ASSIGNAMUS, NOMINAMUS,
 CONSTITUIMUS et FACIMUS dilectum nobis
Thomam Gough armigerum fore et esse primum
 et modernum RECORDATOREM civitatis pre-
 dictæ; continuandum in eodem officio, durante
 vita sua naturali, nisi interim pro aliqua
 causa rationabili et justa amotus erit, vel
 dictum officium RECORDATORIS sponte sua
 reliquerit; qui quidem *Thomas Gough*, et
 quilibet alius imposterum in officio illo re-
 cordatoris civitatis predictæ fore eligendus, sa-
 cramentum corporale, coram majore civitatis
 predictæ pro tempore existente, ad omnia et
 singula, que ad officium recordatoris civitatis pre-
 dictæ pertinent, recte bene et fideliter in omnibus
 et

et per omnia faciendum et exequendum prestabit; et quod de tempore in tempus et ad omnia tempora post mortem, sursumredditionem vel amotionem predicti *Thome Gough* bene liceat et licebit majori et communi consilio civitatis predictæ, pro tempore existente, vel majori parti eorum (quorum majorem unum esse VOLUMUS) unum alium probum et discretum virum, in legibus eruditum, in recordatorem civitatis predictæ, eligere et preficere; continuandum in officio illo, durante bene placito majoris et communis consilii civitatis predictæ, pro tempore existente, vel majoris partis eorundem (quorum majorem unum esse VOLUMUS) sacramento corporali in forma predicta prius prestita; et sic toties quoties casus sic acciderit; ET INSUPER, pro confirmatione et augmentatione honoris et nominis dicte civitatis, VOLUMUS, ac per presentes, pro nobis heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ, et successoribus suis, quod ipsi et successores sui de cetero imperpetuum habeant et habere possint et valeant infra civitatem predictam unum ensiferum sive ministrum, qui erit et nominabitur le SWORDBEARER civitatis predictæ; qui quidem ensifer sive minister vocatus le SWORDBEARER civitatis predictæ de tempore in tempus nominabitur, eligetur et appunctuabitur per majorem et commune consilium civitatis predictæ, pro tempore existente, vel majorem partem eorundem (quorum majorem unum esse VOLUMUS) continuandum in eodem officio, durante bene placito dicti majoris et communis consilii vel majoris partis eorundem, pro tempore existente, ut prefertur; et erit de tempore in tempus attendens in et super majorem civitatis predictæ, pro tempore existente, et unum ense sive gladium vaginatum, ubique infra comitatum civitatis

civitatis predictæ, limites, libertates et precinctus ejusdem, coram majore dicte civitatis, portabit et geret, ac portare et gerere valeat et possit; nisi nos, heredes vel successores nostri in propriis personis nostris tunc presentes fuerimus; et quod dicti major, vicecomites et cives et successores sui habeant etiam et habere possint infra civitatem predictam quatuor alios ministros, qui erunt et vocabuntur *servientes ad clavas* pro executione processuum, brevium, mandatorum ac aliorum negotiorum in civitate predicta vel in comitatu civitatis predictæ de tempore in tempus accidentium et contingentium, officium suum quoquo modo concernentium; quodque dicti quatuor *servientes ad clavas* erunt, et eorum quilibet erit attendens et attendentes, de tempore in tempus, in et super majorem civitatis predictæ et vicecomites comitatus civitatis predictæ, pro tempore existente; qui quidem servientes nominabuntur per majorem et vicecomites comitatus civitatis predictæ, pro tempore existente, continuandi in officiis suis et locis suis, durante beneplacito dictorum majoris et vicecomitum, pro tempore existente, (sacramento corporali coram majore civitatis predictæ pro tempore existente, ad officia sua bene et fideliter exequendum in omnibus ea concernentibus, in forma predicta, per prefatos servientes ad clavas, prius prestito;) et quod predicti quatuor servientes ad clavas in civitate predicta, sic, ut preferatur, nominandi et eligendi, clavas deauratas vel argenteas et signo armorum nostrorum sculptas et adornatas, ubique infra comitatum civitatis predictæ, coram majore civitatis predictæ, pro tempore existente portabunt et gerent, ac portare et gerere valeant et possint; **ET ULTERIUS**, VOLU- 60
mus ac per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus

comitibus et civibus comitatus civitatis predicte et successoribus suis, quod major et commune consilium civitatis predicte pro tempore existente, vel major pars eorum (quorum majorem pro tempore existente unum esse volumus) ex nunc imperpetuum de tempore in tempus, communem clericum, marescallum, sceutatorem, aque ballivum, gagiatorem, constabularium et alios inferiores officarios et ministros quoscunque pro comitatu civitatis predicte necessarios de probioribus, discretioribus et magis idoneis personis civium civitatis predicte, eligant et faciant; et eos sive eorum aliquem amoveant, quando voluerint, et vice sive loco remoti sive remotorum, mortui vel mortuorum, alium sive alios de novo de semet ipsis de tempore in tempus eligant et faciant; qui quidem communis clericus marescallus, sceutator, aque ballivus, gagiator, constabularius et alii officarii et ministri et eorum quilibet, antequam ad officia sua respective exequendum admittantur vel eorum aliquis admittatur, sacramentum corporale super sanctum dei evangelium, coram majore civitatis predicte, pro tempore existente, aut in ejus absentia coram duobus aldermanorum civitatis predicte, ad officia sua in omnibus et per omnia officia sua tangencia vel concernencia bene et fideliter
61 exequendum, prestabunt et prestabit, ET ULTERIUS volumus, ac per presentes, pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predicte et successoribus suis, quod bene liceat et licebit majori civitatis predicte, pro tempore existente, et communi consilio civitatis predicte pro tempore existente, vel majori parti eorum, unum idoneum et sufficientem virum eligere in CORONATOREM comitatus civitatis predicte de tempore in tempus quoties eis melius videbitur

videbitur expedire; et ipsum ad eorum beneplacitum ab officio illo amovere; et quod ipse de tempore in tempus in CORONATOREM comitatus civitatis predictæ electus, (sacramento corporali ad officium illud in omnibus officium illud tangentibus coram majore civitatis predictæ pro tempore existente prius prestitum) plenam habeat et habebit potestatem et auctoritatem faciendi et exequendi infra eandem civitatem et comitatum civitatis predictæ, suburbia et precinctus ejusdem, omnia et singula, que ad officium coronatoris infra aliquem comitatum dicti regni *Hibernie* per leges et statuta ejusdem regni pertinent, facienda et exercenda; et hoc absque aliquo alio brevi vel warranto, a nobis, heredibus vel successoribus nostris in ea parte procurando aut obtinendo; et quod nullus alius coronator sive coronatores nostri, heredum vel successorum nostrorum ad aliquid, quod ad officium coronatoris pertinet, faciendum in vel infra civitatem predictam aut comitatum civitatis predictæ, suburbia, precinctus vel libertates ejusdem, ingrediantur vel ingrediatur aut ingredi presumant vel presumat quovis modo; quodque major civitatis predictæ, pro tempore existente, sit et erit escaetor noster, heredum et successorum nostrorum, comitatus civitatis predictæ; ac plenam habeat et habebit potestatem et auctoritatem faciendi et exequendi infra eandem civitatem ac comitatum civitatis predictæ, suburbia et precinctus ejusdem, omnia et singula, que ad officium escaetoris, infra aliquem comitatum dicti regni *Hibernie* per leges et statuta ejusdem regni pertinent, faciendum et exercendum; et quod nullus alius escaetor, vel alii escaetores nostri, heredum vel successorum nostrorum ad aliquid, quod ad officium escaetoris pertinet, faciendum in civitate predicta aut comitatu civitatis predictæ, suburbiis, precinctibus vel libertatibus ejusdem, ingrediantur vel ingrediatur, aut ingre-

62 di presumant aut presumat quovis modo; ET
 ULTERIUS VOLUMUS, ac per presentes, pro
 nobis, heredibus et successoribus nostris, ORDINAMUS et CONSTITUIMUS, quod prefatus *Jacobus Woodlocke* superius in presentibus nominatus fore major civitatis predictæ, antequam ad officium majoris civitatis predictæ exequendum admittatur, sacramentum corporale super sanctum dei evangelium ad officium illud nec non ad officium escaetoris comitatus civitatis predictæ et eorum alterum bene et fideliter in omnibus et per omnia officia illa et eorum alterum tangentia, exequendum, coram dilectis nobis prefatis *Richardo Aylward*, milite, *Petro Aylward* milite et *Thoma Gough* armigero aut duobus vel uno eorum prestabit; quibus quidem *Richardo Aylward*, *Petro Aylward* et *Thome Gough* ac duobus vel uni eorum, tale sacramentum prefato *Jacobo Woodlocke* administrandi, plenam potestatem et auctoritatem DAMUS et CONCEDIMUS per presentes; et hoc absque aliqua commissione aut ulteriori warranto a nobis in hac parte procurando aut obtinendo; et quod in casu mortis, amotionis vel decessus majoris civitatis predictæ, pro tempore existente, infra annum vel tempus, quo officium illud exercere debuit, bene liceat et licebit aliquibus duobus aldermanorum civitatis predictæ pro tempore existente in presentia tot de hujusmodi consilio civitatis predictæ pro tempore existente, qui ad tunc interesse voluerint, sacramentum corporale majori pro residentia ejusdem anni eligendo, pro fideli executione tam officii majoris civitatis predictæ quam officii escaetoris comitatus civitatis predictæ, prestare, absque aliqua alia commissione sive warranto a nobis, heredibus vel successoribus nostris, in ea parte,

63 procurando; AC ULTERIUS VOLUMUS, ac per presentes, pro nobis heredibus et successoribus nostris, ORDINAMUS, CONCEDIMUS et CON-

STITUIMUS

STITUIMUS, quod quilibet major civitatis predictae eligendus, nec non recordator, vicecomites, aldermani, assistentes communes clerici, coronatores, marescalli, sceutatores, aque ballivi, fervientes ad clavas, gagiatores, constabularii et omnes alii ministri et officarii civitatis et comitatus civitatis predictae tam in presentibus nominati, quam imposterum virtute presentium de tempore in tempus nominandi, eligendi et constituendi, separale sacramentum corporale respective super sanctum dei evangelium coram majore civitatis predictae pro tempore existente, vel in ejus absentia coram duobus aldermanorum civitatis predictae pro tempore existente, ad officium vel officia respective, ad quod vel que ipsi aut eorum aliquis, electus et prefectus fuerit, electi et prefecti fuerint, bene et fideliter exequendum, prestabunt et eorum quilibet prestabit; et plenam potestatem et auctoritatem majori civitatis predictae, pro tempore existente, et in ejus absentia aliquibus duobus aldermanorum civitatis predictae pro tempore existente, sacramentum corporale tam majori posthac eligendo, quam omnibus aliis officiariis civitatis predictae aut comitatus civitatis predictae pro tempore existente, tam in presentibus nominatis quam imposterum de tempore in tempus eligendis aut constituendis pro vera et fidei executione officii vel officiorum suorum respective, ad quod vel que ipse vel ipsi respective electus et prefectus fuerit, electi et prefecti fuerint, pro nobis, heredibus et successoribus nostris, DAMUS et CONCEDIMUS per presentes, absque aliqua commissione vel ulteriori warranto, a nobis, heredibus vel successoribus nostris aut alio vel aliis quibuscunque in ea parte procurando; ET UL- 64
TERIUS, de uberiori gratia nostra speciali; ac ex certa scientia et mero motu nostris, VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vice-
F 2 comitibus

comitibus et civibus comitatus civitatis predicte et successoribus suis, quod ipsi et successores sui habeant et teneant ac habere et tenere valeant et possint infra predictam civitatem *Waterford* coram majore et recordatore civitatis predicte sive deputatis suis sufficientibus unam CURIAM DE RECORDO quolibet die *lune* et unam aliam CURIAM DE RECORDO quolibet die *veneris*, et toties quoties eis opportunum sive necessarium videbitur; et in eadem curia tenere placita de quibuscunque causis et actionibus infra civitatem predictam et comitatum ejusdem civitatis emergentibus; licet debita, transgressiones, conventiones et alie res et actiones summam seu valorem quadraginta solidorum attingant vel excedant aut non attingant vel non excedant; AC etiam placita et querelas de captione et injusta detentione *averiorum* sive *catallorum* et *withernam*; nec non tenere placita de omnibus et omnimodis placitis, querelis, actionibus et sectis, de et pro quibuscunque terris, tenementis sive hereditamentis, infra dictam civitatem aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem scituatis, jacentibus vel existentibus, tam de assisa nove disseisine, mortis antecessorum, certificatione assise, attinctis ac assisa de seifina forcie, quam de aliis actionibus, querelis, placitis et sectis quibuscunque, et omnibus et omnimodis placitis, querelis, actionibus et sectis tam realibus quam personalibus, popularibus et mixtis, infra civitatem *Waterford* predictam aut comitatum ejusdem civitatis, suburbia, limites vel precinctus eorundem contingentibus, emergentibus sive crescentibus; ET quod hujusmodi placita, actiones, querele et secte coram majore et recordatore civitatis predicte pro tempore existente aut eorum sufficiente deputato, audientur et determinabuntur per tales et consimiles processus et modos secundum legem et

et consuetudinem regni nostri *Hibernie*, per qualia et prout legibus nostris consentaneum fuerit, adeo plene et integre, sicut per justiciarios de utroque banco, justiciarios ad assisas capiendas assignatos, justiciarios itinerantes et alios justiciarios et ministros nostri, heredum et successorum nostrorum et in tam amplis modo et forma, prout in aliqua curia de recordo in aliqua alia civitate, burgo sive villa incorporata infra regnum nostrum *Hibernie* usitatum et consuetum est, aut fieri potest aut debet; ET VOLUMUS, et pro nobis, heredi- 67
bus et successoribus nostris, ORDINAMUS, quod servientes ad clavas predictę civitatis *Waterford* pro tempore existente, seu eorum aliquis vel aliqui omnia juratarum panella, inquisitiones, attachamenta, precepta, mandata, warranta, judicia, processus et alia quecunque necessaria facienda, concernentia causas in curia prementionata in civitate predicta aut comitatu ejusdem civitatis, libertatibus et precinctibus eorundem, faciant et exequantur, prout eis preceptum erit juxta legis exigentiam, et prout in consimilibus casibus usitatum est seu fieri debeat in aliqua alia curia de recordo in aliqua alia civitate burgo aut villa incorporata infra hoc regnum *Anglie* vel infra regnum *Hibernie*; ET quod major, vicecomites et 68
cives comitatus civitatis predictę, et successores sui habeant et habebunt ad eorum proprium usum, omnes fines, amerciamenta et proficua quecunque de et in curia predicta aut ratione vel pretextu dictę curie emergentia, accidentia sive contingentia; et quod bene licebit eis ponere seipsos in seisinam de omnibus et singulis dictis finibus, amerciamentis, et proficuis ac eadem omnia et singula levare et colligere ad usum dicti majoris, vicecomitum et civium comitatus civitatis *Waterford* predictę et successorum suorum; ET UL- 69
TERIUS de gratia nostra speciali, ac ex certa scientia

scientia et mero motu nostris, **CONCESSIMUS**, ac per presentes pro nobis, heredibus et successoribus nostris, **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod ipsi et successores sui de cetero imperpetuum habeant et teneant ac habere et tenere valeant et possint infra predictam civitatem *Waterford* aut libertates vel precinctus comitatus ejusdem civitatis *curiam letam* sive *visum franci plegii* ac omnia que ud *curiam letam* et *visum franci plegii* spectant seu imposterum spectare possint aut debent de omnibus inhabitantibus et residentibus infra dictam civitatem aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem, bis per annum, videlicet, semel infra mensem proximum post festum *pasche* et iterum infra mensem proximum post festum sancti *Michaelis* archangeli coram majore et recordatore civitatis predictæ pro tempore existente aut eorum sufficientibus deputatis, tenendam; **ET** quod dictus major, vicecomites et cives et successores sui habeant omnia exitus, proficua, perquisitiones, fines et amerciamenta in omnibus hujusmodi *letis* sive *visibus franci plegii* forisfacienda; et eadem per officarios suos levare et habere possint de tempore in tempus ad opus suum proprium absque computo vel aliquo alio proinde nobis, heredibus vel successoribus nostris reddendo, solvendo

70
71 vel faciendo; **ET ULTERIUS** de consimili gratia nostra ac ex certa scientia et mero motu nostris, **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui habeant cognitionem omnium et omnimodorum placitorum de debitis, computis, transgressionibus, conventionibus, deceptionibus et detentionibus et aliis placitis, materiis, causis querelis, demandis

demandis et contractibus personalibus quibuscunque infra comitatum civitatis predictæ, libertates vel precinctus ejusdem contingentium et emergentium; nec non **VOLUMUS** ac per presentes pro nobis, heredibus et successoribus nostris, **ORDINAMUS** et **CONSTITUIMUS**, quod omnes et omnimode actiones, querele et secte reales et mixte infra civitatem predictam aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem, emergentes sive contingentes, si in curia de recordo civitatis predictæ incipientur, ibidem prosequantur et determinentur, absque contradictione nostri, heredum vel successorum nostrorum aut aliquorum justiciariorum, officiariorum sive ministrorum nostrorum, heredum vel successorum nostrorum aut aliorum quorumcumque, et hujusmodi placita abinde non amovebuntur, quousque eadem placita per judicium curie, sine debito, terminentur; **ET ULTE-** 72
TIUS **VOLUMUS** ac, per presentes, pro nobis, heredibus et successoribus nostris, **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui de cetero imperpetuum habeant et habebunt retornam tam brevium assisarum quam omnium et omnimodorum aliorum brevium, preceptorum, billarum et warrantorum nostri, heredum et successorum nostrorum; nec non *summonitiones* et *extracta* de *scaccario* nostro, heredum et successorum nostrorum, et *extracta* et precepta justiciariorum nostri, heredum et successorum nostrorum itinerantium, tam ad placita *foreste* quam ad communia placita ac aliorum justiciariorum nostrorum heredum et successorum nostrorum quorumcumque; nec non attachiamenta tam placitorum corone quam aliorum, in comitatu civitatis predictæ, libertatibus vel precinctibus ejusdem, emergentium sive contingentium

73 contingentium et executiones eorundem per vicecomites comitatus civitatis predictæ faciendas ; ita quod nullus alius vicecomes, ballivus aut alius minister nostri, heredum vel successorum nostrorum dictum comitatum civitatis predictæ ingrediatur ad aliquid, quod ad officium suum pertinet, faciendum sive exequendum ; ET ULTERIUS VOLUMUS, ac per presentes, pro nobis, heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod major, recordator et quatuor seniores aldermani, ordine et gradu civitatis predictæ, pro tempore existente, sint et erunt et eorum quinque, quatuor, tres, duo et quilibet sint et erunt, sit et erit justiciarii nostri, heredum et successorum nostrorum ad pacem nostram, heredum et successorum nostrorum infra civitatem predictam ac comitatum ejusdem civitatis et limites et precinctus eorundem, conservandum et custodiendum ac conservari et custodiri faciendum, ac ad omnia ordinationes et statuta, pro bono publico pacis nostri, heredum et successorum nostrorum et gubernatione populi nostri, heredum et successorum nostrorum, edita in omnibus suis articulis in civitate et comitatu civitatis *Waterford* predictæ, libertatibus et precinctibus ejusdem, juxta vim, formam et effectum eorundem, custodiendum et custodiri faciendum ; et ad omnes contra formam ordinationum et statutorum illorum aut eorum alicujus in civitate aut comitatu civitatis predictæ, libertatibus vel precinctibus ejusdem, delinquentes, castigandum et puniendum ; prout secundum formam ordinationum et statutorum illorum fuerit faciendum ; et ad omnes illos, qui alicui vel aliquibus de populo nostri heredum et successorum nostrorum in corporibus suis vel de incendio domorum suarum minas fecerint, ad sufficientem

tem securitatem de pace vel de bono gestu suo erga nos, heredes et successores nostros et populum nostrum, heredum et successorum nostrorum inveniendum; et si hujusmodi securitatem invenire recusaverint, tunc eos in prisona nostra, heredum et successorum nostrorum infra civitatem predictam, quousque hujusmodi securitatem invenerint, salvo custodiri faciendum; et quod dictus major, recordator et quatuor seniores aldermani civitatis predictæ pro tempore existente, ut prefertur, aut aliqui duo vel plures eorum (quorum majorem et recordatorem civitatis predictæ pro tempore existente duos esse volumus) sint justiciarii nostri, heredum et successorum nostrorum ad inquirendum per sacramentum proborum et legalium hominum comitatus civitatis predictæ vel de civitate predicta (per quos rei veritas melius sciri poterit) de omnibus et omnimodis prodicionibus, feloniiis, veneficiis, incantationibus sortilegiis, arte magica, transgressionibus, forstallariis, regratoribus, ingrossoribus et extortionibus quibuscunque, ac de omnibus et singulis aliis malefactis et offensis, de quibus justiciarii pacis nostri, heredum vel successorum nostrorum legitime inquirere possint aut debent per quoscunque et qualitercunque infra civitatem predictam aut comitatum civitatis predictæ, libertates vel precinctus eorundem, factis sive perpetratis, vel que ibidem imposterum fieri vel attemptari conigerint; AC etiam de omnibus illis, qui in civitate predicta aut comitatu civitatis predictæ, libertatibus vel precinctibus ejusdem in conventiculis contra pacem nostram, heredum et successorum nostrorum vi armata ierint vel equitaverint, seu imposterum ire seu equitare presumpserint; ac etiam de omnibus hiis, qui ibidem ad gentem nostram, heredum vel successorum nostrorum mahemandum vel interficiendum in

G

insidiis

infidiis jacuerint vel imposterum jacere presumpserint; ac etiam de hostellariis et omnibus et singulis aliis personis, qui, in abusu ponderum et mensurarum sive in venditione victualium contra formam ordinationum et statutorum illorum vel eorum alicujus inde pro communi utilitate regni nostri *Hibernie* et populi nostri, heredum et successorum nostrorum ejusdem editorum, deliquerint vel attemptaverint vel imposterum delinquere vel attemptare presumpserint in civitate *Waterford* predicta aut comitatu ejusdem civitatis, libertatibus vel precinctibus ejusdem; ac etiam de quibuscunque constabulariis, custodibus gaolarum et aliis officiariis, qui in executione officiorum suorum circa premissa vel eorum aliqua indebite se habuere vel imposterum indebite se habere, presumpserint, aut tepidi, remissi vel negligentes fuerint aut imposterum fore contigerint in civitate et comitatu civitatis predictae aut infra libertates

75 vel precinctus ejusdem; AC de omnibus et singulis articulis et circumstantiis et aliis rebus quibuscunque per quoscunque et qualitercunque infra civitatem predictam aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem, factis sive perpetatis, vel que ibidem imposterum fieri vel attemptari contigerint qualitercunque premissa aut eorum aliquod concernentia; et ad indictamenta quecunque, sic coram prefatis majore, recordatore et quatuor senioribus aldermanis vel eorum aliquibus capta vel capienda, inspicendum et ad processus inde versus omnes et singulos sic indictatos, vel qui coram eis imposterum indictari contigerint, quousque capiantur, reddant se vel utlagentur, faciendum et continuandum; et ad eosdem delinquentes et quemlibet eorum pro delictis suis per fines, redemptiones, amerciamenta, forisfacturas, ac alio modo, prout secundum legem et consuetudinem regni nostri

Hibernie

Hibernie aut formam ordinationum vel statutorum
 predictorum fieri consuevit aut debuit, castigandum et puniendum; **VOLUMUS** etiam et **MANDAMUS**, tenore presentium, vicecomitibus comitatus civitatis predictæ pro tempore existente, quod ad certos dies et loca, que predictus major, recordator et quatuor seniores aldermani aut aliqui duo vel plures eorum (quorum majorem et recordatorem vel eorum deputatos respective duos esse volumus) eis sciri fecerint, venire faciant coram eis vel hujusmodi duobus vel pluribus eorum tot et tales probos et legales homines de comitatu civitatis predictæ vel de civitate predicta, per quos rei veritas in premissis melius sciri poterit et inquiri; **VOLUMUS** etiam, ac per presentes pro nobis, heredibus et successoribus nostris, **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ, et successoribus suis, quod major civitatis predictæ, pro tempore existente, sit et erit custos rotulorum pacis nostre, heredum et successorum nostrorum in comitatu civitatis predictæ; **AC PRETEREA** **VOLUMUS** et per presentes **MANDAMUS** prefatis majori civitatis predictæ pro tempore existente, quod ipse, ad dies et loca predicta, omnia brevia, precepta, processus et indictamenta predicta coram se et dictis sociis suis, justiciariis civitatis predictæ, venire faciat, ut ea inspiciantur et debito fine terminentur, ut predictum est; ita quod nullus alius justiciarius pacis nostre, heredum vel successorum nostrorum in civitate predicta aut comitatu ejusdem, libertatibus vel precinctibus ejusdem, se imposterum aliquallyter intro-mittat de aliquibus rebus, ad justiciarios pacis spectantibus seu pertinentibus, in dicta civitate aut comitatu civitatis predictæ, libertatibus vel precinctibus ejusdem accidentibus five contingentibus; **VOLUMUS** etiam ac per presentes pro nobis, heredibus et successoribus nostris, **CONCE-**

DIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predicte et successoribus suis, quod major, recordator et quatuor seniores aldermani civitatis predicte pro tempore existente, gradu et ordine, ut predictum est, de cetero imperpetuum sint justiciarii nostri, heredum et successorum nostrorum, et eorum quilibet sit et erit justiciarius nostri, heredum et successorum nostrorum ad gaolam comitatus civitatis predicte de prisonariis in ea de tempore in tempus, existentibus, deliberandum imperpetuum; quodque ipsi aut duo vel plures eorum (quorum majorem et recordatorem aut eorum deputatos, ut prefertur, duos esse volumus) habeant plenam potestatem et authoritatem, et eis et hujusmodi duobus vel pluribus eorum, plenam potestatem et authoritatem, pro nobis, heredibus et successoribus nostris, DAMUS et CONCEDIMUS per presentes, AUDIENDI et TERMINANDI omnia et omnimoda roberias, felonias, homicidia, escapia felonum vel pro quacunque alia causa dampnatorum, transgressionum, imprisonamentorum, contemptuum et aliarum offensarum et malefactorum quorumcunque, in predicta civitate aut comitatu ejusdem civitatis, libertatibus vel precinctibus ejusdem, accidentium, emergentium, perpetratorum vel factorum vel imposterum ibidem accidendorum, emergendorum, faciendorum vel perpetratorum, nos aut heredes seu successores nostros sive coronam nostram aut alias personas quascunque, quovismodo, tangentium tam contra formam communis legis nostre quam contra formam aliquorum statutorum aut alicujus statuti aut aliquorum actuum parliamentorum vel ordinationum, ante hec tempora factorum sive inactitatorum quorumcunque sive imposterum fiendorum, ordinandorum seu inactitandorum; nec non ad gaolam comitatus civitatis predicte de prisonariis, in ea, de tempore in tempus existentibus, secundum
leges

leges, consuetudines et statuta regni nostri *Hibernie* ante hec tempora facta, sive inactitata, sive imposterum fienda, ordinanda sive inactitanda, deliberandum; ac executiones judiciorum tam de vita quam de membris faciendum seu fieri causandum de tempore in tempus, quoties et quando opus fuerit, exigit et requirit, et prout expediens videbitur imperpetuum, absque aliqua alia commissione, mandato sive authoritate a nobis, heredibus vel successoribus nostris seu locumtenente vel deputato nostro, heredum vel successorum nostrorum regni nostri *Hibernie* in ea parte habenda; et quod coronator comitatus civitatis predictæ pro tempore existente, omnia juratas, inquisitiones, pannella, attachiamenta et indenturas per ipsum imposterum capienda, coram prefatis justiciariis ad gaolam deliberandum, cum et quoties gaolam illam de prisonariis in eadem gaola existentibus, deliberare voluerint, de tempore in tempus faciat retornari; **VOLUMUS** etiam et tenore 80
presentium pro nobis, heredibus et successoribus nostris, **MANDAMUS** vicecomitibus comitatus civitatis predictæ, pro tempore existente, quod dictis justiciariis in omnibus deliberationem gaole predictæ tangentibus, sint attendentes et precepta eorum de tempore in tempus exequantur, eisdem modo et forma, prout aliqui vicecomites regni nostri *Hibernie* coram justiciariis nostris, heredum et successorum nostrorum ad gaolam in aliquo comitatu dicti regni nostri *Hibernie* deliberandam, facere, retornare, intendere vel exequi, quovismodo per leges et statuta dicti regni nostri *Hibernie*, consuevere vel debuere; ita tamen, quod ad determinationem alicujus prodictionis aut misprisionis prodictionis, infra civitatem predictam aut comitatum civitatis predictæ, libertates vel precinctus ejusdem, absque speciali mandato nostro, heredum vel successorum nostrorum quoquomodo non procedant;
VOLUMUS

- 81 VOLUMUS eciam, ac per presentes pro nobis, heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod nullus alius assignetur ad inquirendum, audiendum et terminandum vel ad gaolam deliberandam vel aliquid aliud discutiendum seu ordinandum infra civitatem predictam, nisi unus aut plures iusticiarii de uno banco aut altero, aut magister rotulorum aut unus vel plures baronum de scaccario dicti regni nostri *Hibernie*, (associato sibi majore
- 82 civitatis predictæ pro tempore existente;) ET si aliqua hujusmodi commissiones, brevia, precepta vel mandata nostri, heredum vel successorum nostrorum vel locumtenentis nostri, heredum vel successorum nostrorum in *Hibernia* aliter vel aliis personis facta fuerint, tunc commissiones, brevia, precepta et mandata illa penitus irrita sint, et
- 83 fuerint nullius effectus; ET ULTERIUS de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris VOLUMUS, ac per presentes pro nobis heredibus et successoribus nostris VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod idem major, vicecomites et cives civitatis predictæ et successores sui habeant et ordinent pro eis, ubi melius visum fuerit infra eandem civitatem seu suburbia ejusdem, unam vel plures domum vel domos pro gaola vel gaolis ad custodiendum prisonarios et personas quascunque, pro quibuscunque causis vel materiis infra eandem civitatem aut comitatum ejusdem civitatis aut portus, libertates vel precinctus ejusdem captas vel capiendas et prisone ibidem commissas vel
- 84 committendas; ET quod vicecomites comitatus civitatis predictæ, pro tempore existente, sint custodes

custodes dicte gaole, et per se vel per sufficientem deputatum suum sive deputatos suos sufficientes hujusmodi gaolam et prisionarios in ea existentes, secundum formam juris, semper custodiant; **VOLUMUS** eciam ac, per presentes, 85
 pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predicte et successoribus suis, quod iidem major, recordator et quatuor seniores aldermani civitatis predicte pro tempore existente aut aliqui duo vel plures eorum (quorum majorem vel recordatorem unum esse volumus) quoscunque proditores, murdratores, voluntarios homicidas, felones, latrones et alios malefactores infra civitatem predictam vel comitatum civitatis predicte, suburbia vel precinctus ejusdem inventos et inveniendos, per se aut ministros suos aut per vicecomites civitatis predicte pro tempore existente, capere et arrestare; et eos usque aliquam gaolam infra civitatem predictam aut comitatum ejusdem civitatis ducere possint, ibidem salvo custodiendos quousque per debitum legis processum deliberentur; **VOLU-** 86
MUS tamen, quod predictus *Jacobus Woodlocke* modo major civitatis predicte, antequam ad predictum officium justiciarii pacis exequendum, admittatur, sacramentum corporale super sanctum dei evangelium ad officium justiciarii pacis infra comitatum civitatis predicte, bene et fideliter exequendum, coram prefatis *Richardo Aylward* et *Petro Aylward* militibus, et *Thoma Gough* armigero, aut duobus vel uno eorum, prestabit; quibus quidem *Richardo Aylward*, *Petro Aylward*, et *Thome Gough*, et duobus vel uni eorum plenam potestatem et auctoritatem dandi et administrandi tale sacramentum, ut prefertur, prefato *Jacobo Woodlocke* pro nobis, heredibus et successoribus nostris **DAMUS** et **CONCEDIMUS** per presentes, absque

- absque aliqua alia commissione vel warranto a nobis, heredibus vel successoribus nostris in ea
- 87 parte procurando aut obtinendo; ET quod major, recordator et quatuor seniores aldermani civitatis predicte, pro tempore existente, antequam ad dictum officium justiciarii pacis exequendum, admittantur seu eorum aliquis admittatur, sacramentum corporale super sanctum dei evangelium, ad officium justiciarii pacis infra comitatum civitatis predicte bene et fideliter exequendum, in forma sequenti, prestabunt et eorum quilibet prestabit; videlicet quilibet major civitatis predicte, pro tempore existente, coram ultimo majore predecessore suo, si tunc in vita existit vel coram duobus vel pluribus aldermanorum civitatis predicte, pro tempore existente; et predictus recordator et quatuor seniores aldermani civitatis predicte, pro tempore existente, coram majore civitatis predicte pro tempore existente; quibus quidem majori et duobus vel pluribus aldermanorum respective plenam potestatem et auctoritatem dandi et administrandi tale sacramentum, ut prefertur, pro nobis, heredibus et successoribus nostris DAMUS et CONCEDIMUS per presentes, absque aliqua alia commissione vel warranto a nobis, heredibus vel successoribus nostris in ea parte procurando aut obtinendo;
- 88 ET ULTERIUS de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predicte et successoribus suis, quod major, recordator et quatuor seniores aldermani ordine et gradu civitatis predicte, pro tempore existente perpetuis futuris temporibus sint et erunt, justiciarii nostri, heredum et successorum nostrorum et eorum quilibet sit et erit justiciarius noster heredum et successorum nostrorum ad pacem nostram heredum et
successorum

successorum nostrorum in comitatu nostro *Waterford* in dicto regno *Hibernie* conservandum et custodiendum ac conservari et custodiri faciendum; ac ad omnia et singula alia faciendum, inquirendum et exequendum in eodem comitatu *Waterford* per seipsos conjunctim vel divisim, aut conjunctim et simul cum aliis justiciariis nostris, heredum et successorum nostrorum ad pacem in dicto comitatu *Waterford* conservandum, assignatis et assignandis, que justiciarii et custodes pacis dicti comitatus aut alicujus alii comitatus infra dictum regnum *Hibernie* per leges et statuta ejusdem regni, ut justiciarii pacis tantum, inquirere, facere et exequi possint et debent; ita tamen quod ad terminationem vel determinationem alicujus proditoris, murti vel felonie, aut alicujus alterius rei vel materie, tangentis amissionem vite vel membrorum, infra dictum comitatum *Waterford*, quoquo modo non procedant aut eorum aliqui vel aliquis procedant vel procedat; **VOLUMUS** tamen, quod major civitatis 90
 predicte superius in presentibus, ut prefertur, nominatus, antequam ad predictum officium justiciarii pacis infra predictum comitatum *Waterford* exequendum, admittatur, sacramentum corporale super sanctum dei evangelium ad officium justiciarii pacis infra dictum comitatum *Waterford* bene et fideliter exequendum, coram prefatis *Richardo Aylward* et *Petro Aylward* militibus et *Thoma Gough* armigero, aut duobus vel uno eorum, prestabit; quibus quidem *Richardo Aylward*, *Petro Aylward* et *Thoma Gough* et duobus vel uni eorum plenam potestatem et auctoritatem ad dandum et administrandum tale sacramentum, ut prefertur, prefato majori superius in presentibus nominato, pro nobis, heredibus et successoribus nostris **DAMUS** et **CONCEDIMUS** per presentes, absque aliqua alia commissione vel warranto a nobis, heredibus vel successoribus nostris in ea
 H parte

parte procurando aut obtinendo ; et quod major, recordator et quatuor seniores aldermani civitatis predictæ, pro tempore existente, antequam ad dictum officium justiciarii pacis, infra dictum comitatum *Waterford*, exequendum, admittantur seu eorum aliquis admittatur, sacramentum corporale super sanctum dei evangelium ad officium justiciarii pacis infra dictum comitatum *Waterford* bene et fideliter exequendum in forma sequenti prestabunt et eorum quilibet prestabit ; videlicet, quilibet major pro tempore existente coram ultimo majore predecessore suo, si tunc in vita existit, vel coram duobus vel pluribus aldermanorum civitatis predictæ, pro tempore existente ; et predictus recordator et quatuor seniores aldermani pro tempore existente coram majore civitatis predictæ pro tempore existente ; quibus quidem majori et duobus vel pluribus aldermanorum respective plenam potestatem et auctoritatem dandi et administrandi tale sacramentum, ut prefertur, pro nobis, heredibus et successoribus nostris DAMUS et CONCEDIMUS per presentes, absque aliqua alia commissione vel warranto, a nobis, heredibus vel successoribus nostris in ea

91 parte procurando aut obtinendo, ET ULTERIUS de uberiori gratia nostra speciali ac ex certa scientia et mero motu nostris CONCEDIMUS pro nobis, heredibus et successoribus nostris prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod ipsi et successores sui habeant et imposterum perpetuis futuris temporibus habebunt omnes et omnimodos fines, redemptiones et amerciamenta, pro transgressionibus et aliis malefactis quibuscunque aut aliis causis et materiis infra civitatem predictam aut comitatum civitatis predictæ, suburbia vel precinctus ejusdem, perpetratis et perpetrandis ; nec non omnes et omnimodas recognitiones, penalitates et forisfacturas forisfactas vel forisfaciendas

faciendas omnium civium et inhabitantium civitatis predictæ ibidem residentium, seu ex nunc residere contingentium pro pace nostra, heredum et successorum nostrorum factas aut aliter quocunque modo; nec non aliorum residentium in civitate vel comitatu civitatis predictæ, suburbiis vel precinctibus ejusdem, nobis, heredibus et successoribus nostris forisfactas et forisfaciendas; ac omnes et omnimodas recognitiones, obligationes, fines pro licentia concordandi, ac omnes et singulos alios fines, redemptiones, amerciamenta et forisfacturas predictorum civium et residentium tam coram prefatis majore, recordatore et aldermanis et successoribus suis quam coram nobis, heredibus et successoribus nostris; et consilio nostro, heredum et successorum nostrorum in curia camerarii castelli; ac coram nobis, heredibus et successoribus in cancellaria nostra, heredum et successorum nostrorum; justiciariis nostris heredum et successorum nostrorum ad placita coram nobis heredibus et successoribus nostris, tenenda, assignatis et assignandis; justiciariis de communi banco nostro, heredum et successorum nostrorum; justiciariis nostri heredum et successorum nostrorum ad assisas capiendas et gaolas deliberandas, assignatis et assignandis; custodibus et justiciariis pacis nostre, heredum et successorum nostrorum; thesaurario et barone de scaccario nostro, heredum et successorum, clerico mercati, coronatoribus et escaetoribus nostris, heredum et successorum nostrorum; justiciariis nostris, heredum et successorum nostrorum ad AUDIENDUM et TERMINANDUM; et aliis justiciariis, commissionariis seu officiariis nostris, heredum et successorum nostrorum quibuscunque, tam infra civitatem predictam quam alibi infra regnum nostrum *Hibernie* forisfactas sive forisfaciendas, factas et faciendas, impositas et imponendas ex quacunque causa et per quamcunque causam per vicecomites et alios ministros civitatis

aut comitatus civitatis predictæ pro tempore existente ad solum, et proprium opus et usum majoris, vicecomitum et civium comitatus civitatis predictæ et successorum suorum petendas, levandas, percipiendas et calumpniandas; et quod bene licebit eisdem majori, vicecomitibus et civibus et successoribus suis se inde in feisinam ponere; et ea omnia et singula, levare, colligere, percipere et habere absque impetitione, calumpnia vel impedimento nostri, heredum et successorum nostrorum seu locumtenentis nostri, heredum vel successorum nostrorum in *Hibernia*, justiciariorum vicecomitum, escaetorum, coronatorum aut aliorum officiarorum vel ministrorum nostrorum, heredum vel successorum nostrorum in *Hibernia* quorumcunque, et absque aliquo computo nobis heredibus vel successoribus nostris aut ministris seu officiariis nostris heredum vel successorum nostrorum in *Hibernia* predicta inde aliquo modo reddendo;

92 **CONCESSIMUS** etiam, ac per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui imperpetuum habeant omnia et omnimoda bona et catalla waviata et extrahuras anglice *wayfe* and *straye* infra civitatem predictam aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem de tempore in tempus inventa et invenienda, aut ibidem de cetero imperpetuum accidentia sive contingentia; nec non omnia et omnimoda bona et catalla omnium felonum et fugitivorum waviata et utlagatorum, wavianda et utlaganda, damnata et damnanda, adjudicata et adjudicanda, attincta et attingi contingenda, convictorum et convincendorum fugitivorum et in exigenda positorum pro feloniam et murther (bonis et catallis proditorum ac bonis et catallis fugitivorum extra regnum *Hibernie* transfugientium tantummodo exceptis) positorum

rum et ponendorum, ac felonum de se, deodanda ac alias penalitates, penas et forisfacturas, factas vel faciendas, predicta crimina et offensas tangentes et concernentes de omnibus et singulis civibus, residentibus et non residentibus infra civitatem *Waterford* aut comitatum ejusdem civitatis, suburbia, libertates vel precinctus ejusdem, ac de omnibus aliis quibuscunque inhabitantibus infra civitatem predictam aut comitatum civitatis predictae, libertates vel precinctus ejusdem aut ibidem inventis aut ibidem impofterum inveniri contingentibus; ET quod si aliqua persona pro debito suo vitam vel membra perdere debeat vel amitteret, aut fugerit et judicio stare noluerit, vel aliud quodcunque delictum fecerit pro quo, bona et catalla debeat amittere vel forisfacere, ubicunque de eo justitia fieri debeat; eadem bona et catalla talium personarum quarumcunque infra civitatem predictam aut comitatum ejusdem civitatis, suburbia, limites vel precinctus ejusdem existentia seu ex nunc existere contingentia (exceptis preexceptis) sint et accrescant predicto majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictae et successoribus suis imperpetuum; et quod bene liceat et licebit eisdem majori, vicecomitibus et civibus et successoribus suis per vicecomites aut alios officarios sive ministros civitatis vel comitatus civitatis predictae pro tempore existente, eorum nominibus, sine impedimento nostri, heredum vel successorum nostrorum vel aliquorum officiariorum seu ministrorum nostrorum, heredum vel successorum nostrorum quorumcunque, ponere se in seisinam de bonis et catallis predictis, et ea ad opus et usum dictorum majoris, vicecomitum et civium comitatus civitatis predictae et successorum suorum recipere et retinere; licet eadem bona et catalla per nos, heredes seu successores nostros seu per ministros nostros, heredum vel

- vel successorum nostrorum prius seisata fuerint, absque computo seu aliquo alio proinde nobis, heredibus vel successoribus nostris reddendo,
- 94 solvendo vel faciendo; ET INSUPER pro nobis, heredibus et successoribus nostris DAMUS et CONCEDIMUS predictis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui habeant, teneant et custodiant ac habere tenere et custodire valeant et possint infra predictam civitatem *Waterford* aut comitatum civitatis predictæ, suburbia sive precinctus ejusdem in quocumque loco vel locis, ubi dicto majori et vicecomitibus pro tempore existente melius visum fuerit vel placuerit, duo mercata, videlicet, unum in die *Mercurii* et alterum in die *Sabbathi* qualibet septimana singulis annis imperpetuum ibidem tenenda; ac eciam unam feriam sive nundinum (anglice a faire) annuatim in crastino sancti *Johannis Baptiste* et per spatium quinque dierum immediate et proxime sequentium, custodiendum,
- 95 continuandum et duraturum; ET si dictus crastinus sancti *Johannis Baptiste* inciderit in die dominico, tunc feria sive nundinum illud inchoabitur et incipietur proximo die post dictum crastinum et per spatium quinque dierum proxime et immediate sequentium continuabit; et quod predictus major, vicecomites et cives et successores sui habeant et percipiant ad usum suum proprium omnia et omnimoda tolmeta, proficua, commoditates et emolumenta emergentia, provenientia sive crescentia de, ex vel in mercatis et feriis sive nundinis predictis aut
- 96 ratione inde levanda vel percipienda; ET quod habeant potestatem et authoritatem constituendi, faciendi, appunctuandi et ordinandi officarium vocatum *clericum intrationis rerum venditarum et emptarum* in dicto mercato et feria, ac eciam clericum mercati clericum *assaie*, clericum

clericum *saie* in dicta civitate et comitatu ejusdem ;
 ita quod nullus alius clericus intrationis, cleri-
 cus mercati, clericus *assaie*, vel clericus *saie*
 nostri, heredum vel successorum nostrorum
 in dicto regno nostro *Hibernie* in dicta civitate et
 comitatu ejusdem, libertatibus vel precinctibus
 ejusdem, ad aliquid, quod ad officia hujusmodi
 clerici intrationis, clerici mercati, clerici
assaie et clerici *saie* vel eorum alicujus spectat
 seu pertinet, faciendum, exequendum seu exer-
 cendum, ingrediantur seu in aliquo se intro-
 mittant vel intromittat ; ET quod dictus major, 97
 vicecomites et cives, pro tempore existente,
 habeant et teneant curiam PEDUM PULVERIZA-
 TORUM de die in diem et hora in horam, in dicta
 civitate vel comitatu civitatis *Waterford*, durante
 feria sive nundino predicto annuatim coram
 senescallo ejusdem curie per predictum majorem,
 vicecomites et cives comitatus civitatis predictæ
 nominando et designando, ac tenere placita de
 omnibus ad curiam PEDUM PULVERIZATORUM
 pertinentibus ; ac eciam, quod habeant omnia et
 singula exitus, proficua, emolumenta, commodi-
 tates et forisfacturas dictam curiam pertinentes vel
 ratione inde provenientes sive emergentes absque
 impedimento nostri, heredum vel successorum
 nostrorum aut officiariorum seu ministrorum nos-
 trorum, heredum vel successorum nostrorum quo-
 rumcunque, et absque computo seu aliquo alio pro-
 inde nobis, heredibus vel successoribus nostris red-
 dendo, solvendo vel faciendo ; ET ULTERIUS 98
 VOLUMUS, ac per presentes pro nobis, heredibus
 et successoribus nostris CONCEDIMUS prefatis ma-
 jori, vicecomitibus et civibus comitatus civitatis
 predictæ et successoribus suis, quod major civita-
 tis predictæ, pro tempore existente, sit et erit de
 cetero imperpetuum clericus mercati infra pre-
 dictam civitatem *Waterford* et comitatum ejusdem
 civitatis, suburbia et precinctus ejusdem, et assi-
 sam

sam et assaiam panis, vini et cervisie, custodiam et
 assisam mensurarum et ponderum et aliorum quo-
 rumcunque ad officium clerici mercati pertinen-
 tium in dicta civitate *Waterford* et comitatu civi-
 tatis *Waterford*, libertatibus et precinctibus ejus-
 dem habeat, faciat et exerceat imperpetuum per
 se vel per sufficientem deputatum suum sive de-
 putatos suos sufficientes et transgressiones dicte
 assise panis, vini et cervisie modo debito puniat,
 et defectus mensurarum et ponderum ac alia, ad
 dictum officium clerici mercati pertinentia, corri-
 gat et emendet; ita quod clericus mercati hospi-
 tii nostri, heredum et successorum nostrorum
 seu aliquis minister nostri, heredum vel succes-
 sorum nostrorum dictam civitatem aut comitatum
 dicte civitatis, libertates vel precinctus ejusdem
 non ingrediantur seu ingrediatur ad aliquid, quod
 ad officium clerici mercati pertinet, ibidem
 faciendum vel exequendum; et quod omnia pro-
 ficua de hujusmodi assisa et assaia in dicta civitate
 et comitatu civitatis predicte provenientia sint
 ipsorum majoris, vicecomitum et civium et suc-
 cessorum suorum absque computo vel aliquo alio
 proinde nobis, heredibus et successoribus nostris
 99 reddendo, solvendo vel faciendo; ET ULTE-
 RIUS de ampliori gratia nostra speciali ac ex certa
 scientia et mero motu nostris, VOLUMUS ac per
 presentes pro nobis, heredibus et successoribus
 nostris DAMUS et CONCEDIMUS prefatis majori,
 vicecomitibus et civibus comitatus civitatis pre-
 dicte et successoribus suis magnum portum civita-
 tis *Waterford* predicte inter ingressum sive intra-
 tionem inde inter *Rodybanke* et *Rindoane* et abinde
 usque *Carrig Magriffin*; ac totam aquam inter
 metas predictas et solum et fundum aqua cooper-
 ta sive inter fluxum et refluxum maris inter
 100 metas predictas existentia; QUODQUE ipsi et
 successores sui imperpetuum habeant et habebunt
 libertates, privilegia et jurisdictiones civitatis pre-
 dicte

dicte et comitatus civitatis predicte in omnibus et singulis hujusmodi brachiis maris, aquarum curribus, locis et littoribus infra introitum portus civitatis predicte vocatum le *Haven* existentibus inter *Rodybanke* et *Rindoane* usque loca vocata *Inistio*ge et *Saint Moline* in quibus aqua fluit et refluit, (*anglice* doth flow and ebb;) et in quibus nulla jurisdictio aut franchesia per predictam nuper reginam ELIZABETHAM aut aliquorum progenitorum vel antecessorum suorum alicui persone sive aliquibus personis vel corpori politico antehac concessa fuit; que in legali robore et effectu nunc existit, in tam amplis modo et forma, prout usum fuerit ab introitu portus predicti usque *Carrig* alias *Carrimagriffin* predictam; et quod omnia et singula hujusmodi loca sint et de cetero erunt impofterum infra limites, precinctus et jurisditionem comitatus civitatis predicte vel civitatis predicte in tam amplis modo et forma, prout aliqua pars predicti portus vocati le *Haven* modo existit aut anno decimo quarto regni predicti nuper patris nostri precharissimi fuit aut per presentes stabilitur; AC ULTERIUS de gratia 101

nostra uberiori pro nobis, heredibus et successoribus nostris DAMUS et CONCEDIMUS dictis majori, vicecomitibus et civibus comitatus civitatis predicte et successoribus suis, quod omnes et omnimode naves, navicule, batelle, sive alia vasa quecumque, que ingredientur sive intrabunt magnum portum de *Waterford* predicte inter *Rodybanke* et *Ryndoane* cargiant et discargiant ad keyam civitatis *Waterford* predicte, et nusquam alibi infra aut intra portum predictum, sed ad keyam civitatis *Waterford* predicte onerentur et exonerentur de omnibus et singulis mercibus, mercimoniis sive merchandizis, bonis, catallis et rebus quibuscunque impofterum impositis vel imponendis, oneratis vel onerandis in eis vel eorum aliquo

I

et

et non alibi infra portum predictum nisi cum speciali licentia majoris civitatis *Waterford* predictæ, vel deputati sui legitime appunctuati, ut preferatur; et quod omnia et singula mercimonia, merces, merchandize, bona, catalla et res quecunque sic ad keyam dicti portus civitatis *Waterford* de cetero discargiata vel exonerata, discargianda vel exoneranda venditioni exponentur et offerentur majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ ibidem inhabitantibus et non aliquibus vel alicui forinsece vel extranee persone vel personis infra dictum portum civitatis *Waterford* predictæ (omnibus villis et burgis per nos vel progenitores nostros incorporatis, scituatis in et super portum predictum aut flumen ibidem ac inhabitantibus earum villarum five burgorum ubi aqua fluit et refluit, *anglice* where it doth ebb and flow, tantummodo exceptis;) SALVO eciam, quod superior, prepositus, burgenfes et communitas ville de nova *Rosse* alias *Rosponis* in comitatu *Wexford* et successores sui imperpetuum gaudeant et utantur omnibus et singulis libertatibus, franchesiis, immunitatibus et privilegiis, quibus aliquo tempore antehac five ante annum regni HENRICI ejus nominis septimi nuper regis *Anglie* et *Francie* et domini *Hibernie* decimum five postea ratione alicujus actus parliamenti vel ratione alicujus charte seu concessionis aliquorum progenitorum vel antecessorum nostrorum vel ratione alicujus legitime prescriptionis de jure usi fuere; aliquo in presentibus concesso vel concedi mentionato non obstante;

103 ET ULTERIUS volumus ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod major, vicecomites et cives comitatus civitatis predictæ pro tempore existente

tente et successores sui habeant et habebunt officium admiralitatis de omnibus rebus ad admiralitatem pertinentibus infra *Rodybanke* et *Ryndane* predictum usque *Portlick*; nec non potestatem tenendi curiam admiralitatis ibidem, ac in eadem omnia faciendi et de omnibus inquirendi et eadem terminandi, que ad curiam admiralitatis pertinent; ET quod nec admirallus 104 noster, heredum vel successorum nostrorum *Anglie* aut *Hibernie* nec eorum locumtenens nec aliquis eorum deputatus aut minister civitatem aut comitatum civitatis *Waterford* predictæ vel suburbia, portum, metas, bundas seu precinctus ejusdem sive per terram sive per aquam ad aliquam executionem officii sui predicti ibidem faciendum seu exercendum, non ingrediantur nec eorum aliquis ingrediatur, nec ibidem inde in aliquo se intromittant nec eorum aliquis se intromittat; sed jurisdictio, autoritas et executio hujusmodi officii admiralitatis nostri, heredum et successorum nostrorum de cetero facienda et exercenda infra *Rodybanke* et *Ryndane* usque *Portlick* predictum, nec non ubicunque alibi infra et per totum portum predictum, et limites inde tam per terram quam per aquam majori vicecomitibus et civibus comitatus civitatis predictæ pro tempore existente pertineant imperpetuum; et fines, amerciamenta, forisfacture et alia proficua quecunque eidem officio pertinentia infra et per totum portum predictum et limites inde, tam per terram quam per aquam ad usum eorundem majoris, vicecomitum et civium comitatus civitatis *Waterford* predictæ et successorum suorum ad commodum ejusdem civitatis convertantur, absque aliquo computo nobis, heredibus vel successoribus nostris inde reddendo, solvendo vel faciendo; SALVIS semper MAGNO 105 ADMIRALLO nostro, heredum vel successorum nostrorum *Anglie* aut *Hibernie*, pro tempore exis-

106 tente omnibus bonis et catallis piratarum et wrec-
 cis maris; ET ULTERIUS de uberiori gratia
 nostra speciali ac ex certa scientia et mero motu
 nostris DEDIMUS et CONCESSIMUS, ac per presen-
 tes pro nobis, heredibus et successoribus nostris
 DAMUS et CONCEDIMUS prefatis majori, viceco-
 mitibus et civibus comitatus civitatis *Waterford*
 predicte et successoribus suis imperpetuum, totam
 illam magnam custumam nostram vulgariter vo-
 catam COCQUET in dicta civitate vel comitatu
 dicte civitatis aut portu, libertatibus vel franche-
 siis ejusdem emergentem et provenientem quali-
 tercunque, et a quibuscunque personis solubilem
 vel solvendam tam per terram quam per aquam
 vel mare una cum omnibus vadis, feodis, profi-
 cuis, denariis et emolumentis dicte custume inci-
 dentibus vel pertinentibus; ac eciam figillum
 nostrum, heredum et successorum nostrorum
 dicte custume pertinens; PERCIPIENDUM, OC-
 CUPANDUM, LEVANDUM, et GAUDENDUM per
 majorem et vicecomites ibidem pro tempore
 existente vel per idoneam personam vel per-
 sonas designandas, appunctuandas sive eli-
 gendas per dictos majorem, vicecomites et cives
 comitatus civitatis predicte et eorum suc-
 cessores absque computo vel aliquo alio nobis,
 heredibus vel successoribus nostris aut ministris
 nostri, heredum vel successorum nostrorum
 107 quibuscunque inde reddendo vel solvendo; SAL-
 VA semper et nobis heredibus et successoribus
 nostris reservata, parva nostra custuma scilicet,
 solutione terni denarii de libra de omnibus mer-
 cimoniis invectis et evectis per alienigenas mer-
 catores solummodo solvendi, et non per cives
 civitatis *Waterford* predicte; ac eciam salva et
 nobis, heredibus et successoribus nostris semper
 reservata, custuma sive subsidio de pondagii vi-
 delicet, solutione duodecem denariorum de libra
 pro

pro omnibus mercimoniis invec̃tis et evẽctis sol-
 vendorum tam per indigenas quam alienigenas
 mercatores (civibus vero et inhabitantibus dicte
 civitatis *Waterford*, qui sunt vel erunt liberi civi-
 tatis predicte, anglice FREEMEN per jus NATIVI-
 TATIS, MARITAGII vel APPRENTISE, anglice by
 BIRTH, MARRIAGE, or APPRENTISHOOD, et in-
 habitantes infra dictam civitatem aut comitatum
 ejusdem civitatis, et non aliter neque alio modo,
 exceptis;) ET ULTERIUS DEDIMUS et CON- 108
 CESSIMUS, ac per presentes pro nobis, heredibus
 et successoribus nostris DAMUS et CONCEDIMUS
 dictis majori, vicecomitibus et civibus comitatus
 civitatis *Waterford* predicte et successoribus suis
 imperpetuum, ac persone sive personis quibuf-
 cunque per dictum majorem, vicecomites et cives
 seu eorum successores sic, ut prefertur, designan-
 dis, appunctuandis sive eligendis, licenciam,
 potestatem, et authoritatem utendi et exercendi
 in comitatu civitatis et in civitate predicta, pre-
 cinctibus, portu, libertatibus et franchesiis ejus-
 dem, stylum, nomen et sigillum nostrum, here-
 dum et successorum nostrorum quorumcunque
 de COCQUET et scribendi et faciendi literas paten-
 tes, warranta et acquietantias sub sigillo predicto
 omnibus personis dictam magnam custumam de
 COCQUET ibidem solventibus; comprehendentia
 eandem formam, quam precharissimus nuper pater
 noster in literis suis scripserit et sic ut custumarii
 progenitorum sive antecessorum nostrorum ibi-
 dem ab antiquo facere et scribere solebant, quan-
 do dicta custuma in manibus dictorum progeni-
 torum vel antecessorum nostrorum existebat;
 nec non faciendi omnes alias res dicte COCQUET,
 aut custume vel officio custumarii incidentes, tan-
 gentes, spectantes et pertinentes sine impetitione,
 molestatione, interpositione aut gravamine nostri,
 heredum vel successorum nostrorum vel locum-
 tenentis,

109 tenentis, deputati, officiariorum seu ministrorum nostri, heredum vel successorum nostrorum quorumcunque in dicto regno *Hibernie*; ET ULTERIUS ex gratia nostra speciali, certa scientia et mero motu nostris, pro nobis, heredibus et successoribus nostris, DAMUS et CONCEDIMUS majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et eorum successoribus, quod omnes et singuli cives et inhabitantes ejusdem civitatis *Waterford* et comitatus civitatis *Waterford* et successores sui, cives et inhabitantes ejusdem comitatus civitatis, qui nunc sunt et qui pro tempore erunt cives liberi et inhabitantes dictæ civitatis, (anglice FREEMEN) per jus NATIVITATIS sive MARITAGII sui vel APPRENTISE sue ibidem (anglice, by BIRTH, MARRIAGE OR APPRENTISHOOD) et non aliter nec alio modo pro bonis et merchandiziis suis quibuscunque et eorum quibuslibet infra dictam civitatem *Waterford* ac portum, precinctus, libertates, franchises et comitatum ejusdem civitatis; et in omnibus et singulis aliis portubus, crecis et locis quibuscunque infra dictum regnum nostrum *Hibernie* de custuma sive subsidio vulgariter vocato PONDAGE, scilicet, de prestatione sive solutione duodecem denariorum de qualibet libra de estimatione sive valore predicto bonorum, catallorum sive merchandizarum pro nobis, heredibus aut successoribus nostris, per aliquos vel aliquem locumtenentem sive deputatum generalem regni *Hibernie*, custumarium, collectorem, receptorem, ministros vel officarios nostri, heredum aut successorum nostrorum dicti regni nostri *Hibernie* seu per alios vice aut nomine nostro, heredum vel successorum, nostrorum ibidem quoscunque de cetero levandorum, colligendorum sive solvendorum tam per terram quam per aquam erga nos, heredes et successores nostros, locumtenentem, deputatum, officarios et

et ministros nostri, heredum et successorum nostrorum ac alios vice et nomine nostro, heredum et successorum nostrorum ibidem imperpetuum sint quieti et exonerati, absque aliquo computo, denariorum summa vel alia re quacunque vel qualitercunque nobis, heredibus vel successoribus nostris inde reddenda vel solvenda, et absque impetitione vel impedimento nostri, heredum et successorum nostrorum, locumtenentis seu gubernatoris vel gubernatorum vel deputati, collectoris sive custumarii aut aliorum officiorum seu ministrorum nostri, heredum vel successorum nostrorum quorumcunque; SALVA semper, et, ex hac concessione nobis, 110 heredibus et successoribus nostris, reservata, predicta custuma sive subsidio de pondage solvenda per omnes et singulos mercatores tam indigenas quam alienigenas, qui non sunt vel erunt liberi civitatis predictae per NATIVITATEM MARITAGIUM vel APPRENTISAM et inhabitantes in et infra civitatem *Waterford* vel comitatum ejusdem civitatis, ut predictum est; et quod nullus officarius vel minister nostri, heredum vel successorum nostrorum nec locumtenens, gubernator vel gubernatores vel deputatus nostri, heredum vel successorum nostrorum, dicti regni nostri *Hibernie* in dicta civitate, portu, precinctibus, libertatibus, franchesiis vel comitatu ejusdem civitatis, nec in aliquo alio portu, creca vel loco infra dictum regnum nostrum *Hibernie* de cetero ullo modo ingrediatur ad colligendum seu recipiendum aliquam hujusmodi custumam sive pondagium de aliquibus hujusmodi civibus et inhabitantibus dicte civitatis *Waterford*, qui nunc sunt vel qui pro tempore erunt aut eorum quilibet exonerati de dicta custuma, modo et forma predictis nec ad intro-mittendum cum aliquibus bonis vel merchan-

dizis

dizis hujusmodi civium, inibi aliquo tempore futuro collatis sive existentibus pro aliqua hujusmodi custuma sive pondagio; et hec omnia absque aliquo computo seu aliquo alio nobis, heredibus vel successoribus nostris sive locumtenenti sive deputato sive alicui alii gubernatori vel gubernatoribus nostri, heredum vel successorum nostrorum dicti regni nostri *Hibernie*, pro eisdem bonis, catallis sive merchandizis seu aliqua inde parcella sive aliquibus denariorum summis pro eisdem seu aliqua inde parcella reddendo seu solvendo quovis modo; **VOLUMUS** etiam, ac per presentes, pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ, et successoribus suis, quod ipsi et successores sui de cetero imperpetuum sint quieti de omnibus et singulis negligentis et non voluntariis escapiis felonum et damnatorum quorumcunque, (omnibus escapiis proditorum et aliis voluntariis escapiis felonum, et murdratorum tantummodo exceptis;) **ET ULTERIUS VOLUMUS**, ac per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis; quod ipsi et successores sui, nec non omnes et singuli cives et inhabitantes ejusdem civitatis pro tempore existente et impofterum futuro sint quieti de *theolonio*, *lastagio*, *passagio*, *pontagio*, *muragio*, *pilagio* et *pannagio* et de omnibus aliis consuetudinibus per totas terras et potestates nostri, heredum et successorum nostrorum; et quod nullus civis aut inhabitans civitatis predictæ indicetur de misericordia pecunie nisi secundum legem *bundrede*, scilicet, per forisfacturam quadraginta solidorum, cujus medietas condonabitur et altera medietas dabitur seu reddetur in misericordia, exceptis tribus misericordiis, scilicet,

scilicet, de pane, cervisia et vigilia, que in misericordia sint de duobus solidis et sex denariis, videlicet, medietas prima vice condonabitur, et alia medietas reddetur in misericordia; et quod major, vicecomites et cives comitatus civitatis predictæ pro tempore existente et successores sui; nec non omnes et singuli cives et inhabitantes civitatis predictæ pro tempore existente et posterum futuro, possint et eorum quilibet possit distringere debitores suos in civitate *Waterford* predicta, et comitatu ejusdem civitatis, libertatibus et precinctibus ejusdem per attachiamenta forisfeca, et non per namia sua, prout in aliis civitatibus burgis five villis incorporatis infra regnum nostrum *Anglie* aut dictum regnum *Hibernie*, usitatum et consuetum est; et quod nullus extraneus mercator, non existens liber civitatis predictæ vendat seu venditioni exponat aut vendere seu venditioni exponi causabit aliquas merchandizas, merces seu mercimonia infra civitatem *Waterford* predictam, libertates vel precinctus ejusdem aut comitatum ejusdem civitatis aliter quam in grosso et nullo modo directe vel indirecte per retaliā, nisi sit tempore ferie five mercati ibidem sub pena forisfacture omnium talium mercium, merchandizarum et mercimoniorum, sic, ut prefertur, contra tenorem presentium, fore venditorum seu venditioni expositorum, vel pretii eorundem prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis; et quod bene liceat et licebit eisdem majori, vicecomitibus et civibus et successoribus suis eadem merces, mercimonia seu merchandizas, vel pretium eorundem sic, ut prefertur, forisfactorum contingentium, vigore presentium per proprios ministros seu officarios suos seiscire et eadem levare secundum legem et consuetudinem dicti regni *Hibernie*; et eadem sic seiscita et levata, habere, percipere et retinere ad proprium opus et usum

K ipforum

ipsorum majoris, vicecomitum et civium comitatus civitatis predictæ et successorum suorum absque computo seu aliquo alio proinde nobis, heredibus vel successoribus nostris, reddendo, solvendo, vel faciendo; et quod nullus mercator aut alius forinsecus a libertate comitatus civitatis predictæ seu civitatis predictæ vendat vel emat ab altero extraneo aliquas mercandizas, merces seu mercimonia infra libertates civitatis predictæ vel comitatus ejusdem civitatis, sub pena et forisfactura earundem mercium, mercandizarum et mercimoniorum, sic, ut prefertur, contra tenorem presentium, fore venditorum seu venditioni expeditorum vel pretii earundem prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis; et quod bene liceat et licebit eisdem majori, vicecomitibus et civibus et successoribus suis dictas merces, mercimonia et merchandizas vel pretium earundem sic, ut prefertur, forisfacturarum contingentium, vigore presentium, per proprios ministros sive officarios suos seifire, et eadem levare secundum legem et consuetudinem dicti regni *Hibernie*; et eadem, sic seifita et levata, habere, percipere et retinere ad proprium opus et usum ipsorum majoris, vicecomitum et civium comitatus civitatis predictæ et successorum suorum absque computo seu aliquo alio proinde nobis, heredibus vel successoribus nostris reddendo, solvendo vel faciendo; ET ULTERIUS pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod habeant omnes rationabiles *guildas* suas, sic, ut major, burgenſes et communitas civitatis *Bristol* habent vel melius habere consueverè; et quod se distinguere et dividere possint et valeant in separales fraternitates, societates et misteria; et quod nulla fraternitas sive *guilda* infra civitatem predictam vel comitatum ejusdem civitatis habeat potestatem,

tatem, authoritatem et jurisdictionem condendi, constituendi, ordinandi et faciendi aliqua statuta, leges, ordinationes, jura, institutiones sive constitutiones ad restringendum aliquem civem vel inhabitantem civitatis predictæ aut comitatus ejusdem civitatis, nisi habeant vel habebunt authoritatem, potestatem et licentiam hujusmodi leges, ordinationes et constitutiones faciendi per majorem, vicecomites et cives civitatis predictæ pro tempore existente sub eorum communi sigillo obtentam; et omnes et singulas leges, statuta, ordinationes et constitutiones per aliquam fraternitatem sive guildam infra civitatem vel comitatum civitatis predictæ (hujusmodi licentia prius non obtenta) fiendas, penitus irritas vacuas et nullius vigoris, pro nobis, heredibus et successoribus nostris DECLARAMUS et DECERNIMUS per presentes; et de uberiori gratia nostra speciali ac ex certa scientia et mero motu nostris VOLUMUS ac per presentes, pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus civitatis predictæ et successoribus suis, quod nullus civium civitatis predictæ, modo existentium vel imposterum futurorum, faciat *duellum* de vel pro aliqua *appellatione* de prodicione sive feloniam infra civitatem vel comitatum civitatis predictæ, suburbia, portum vel metas predictas, vel alibi, nec ea occasione extra civitatem predictam exire cogatur; ET ULTERIUS pro nobis, 114 heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui de cetero imperpetuum habeant custumam vocatam le MURAGE de omnibus rebus venalibus et mercimoniis infra predictam civitatem emptis sive venditis, emendis sive vendendis, ita bene et integre sicut major, burgenfes et communitas civitatis *Bristol* habent vel melius habere consuevere sine aliquo computo,

K 2

nobis,

nobis, heredibus vel successoribus nostris, reddendo, solvendo vel faciendo; et quod nullus civis civitatis predictæ cogatur *replegiare* aliquem nisi ipse voluerit, quamvis sit super terram suam manens; et quod habeant omnes tenuras, et omnia et singula terras et tenementa infra muros et extra muros predictæ civitatis, usque ad predictas metas, videlicet, a magno portu civitatis predictæ, qui intrat inter *Rodybanke* et *Ryndokane* usque *Carrick* per aquam et per terram aqua coopertam, sicut pulla sanctæ *Katharine* tendit usque ad metas de *Killbarry* et abinde usque ad metas de *Cloncredane* et ab illis metis usque ad metas de *Portfichin* ad disponendum inde pro voluntate sua per communem assensum majoris, aldermanorum et assistentium civitatis predictæ pro tempore existente; **TENENDUM** in libero burgagio, 115 anglice **BURGAGE-TENURE**; et quod predictus major, vicecomites et cives de cetero imperpetuum habeant omnes terras et placeas vacuas, que infra dictas metas continentur, ad voluntatem eorundem edificandas vel aliter inde disponendas; et quod nec justiciarius nec aliquis alius ballivus seu minister nostri, heredum vel successorum nostrorum capiat aliquid contra voluntatem civium predictorum infra predictas metas, nisi sit per eminentem exheredationem nostri, heredum vel successorum nostrorum; et quod habeant *nemoralia* in introitu predicti portus sive infra dictum portum ex utraque parte aque, sicut aque se extendunt et elongant, sufficientia ad civitatem predictam reparandam, construendam et edificandam; et quod nulli justiciarii itinerantes, nec alii justiciarii ad assisas capiendas in comitatu *Waterford*, nec aliquis alius minister nostri, heredum vel successorum nostrorum vexet seu vexent, nec venire compellent seu compellet prefatos cives sive eorum aliquem pro tempore existente coram eis seu ipsorum aliquo extra civitatem predictam sive

five ad sectam nostri, heredum vel successorum nostrorum, vel ad sectam quorumcunque querentium; et faciant quicquid ad eos pertinet prefatis civibus et successoribus suis infra eandem civitatem, libertates, precinctus et comitatum ejusdem civitatis; et quod possint, et eorum quilibet possit, disponere omnia terras et tenementa sua, redditus et tenuras suas infra metas et bundas predictę civitatis, et eas legare in testamentis suis, sicut catalla, pro voluntate sua imperpetuum; et quod nullus justiciarius nec aliquis alius officarius, ballivus five minister nostri, heredum vel successorum nostrorum capiat aliquid pro rebus vel merchandizis predictorum civium, vel mercatum predictę civitatis vel comitatus ejusdem civitatis ingredientium contra voluntatem ipsorum, quorum catalla fuerint; et quod nullus extraneus habeat tavernam de vino infra civitatem predictam aut comitatum ejusdem civitatis, libertates vel precinctus ejusdem nisi in navi; HAC AU- 116
TEM libertate nobis, heredibus et successoribus nostris, reservata, quod de qualibet navi, que illuc cum vinis venire contigerit, major ejusdem civitatis pro tempore existente, loco nostri, heredum et successorum nostrorum, presentibus vicecomitibus ejusdem civitatis, pro tempore existente vel eorum uno, eliget duo dolia vini, quandoque voluerit in navi, scilicet, unum ante malum et aliud retro malum ad opus nostrum, heredum et successorum nostrorum pro quadraginta solidis, unum scilicet, pro viginti solidis et alterum pro viginti solidis, et quod facta electione de duobus doliis vini de qualibet navi, sicut predictum est, dictus major, vicecomites et cives comitatus civitatis predictę, pro tempore existente, habeant alterum de predictis doliis vini sic capti, pro prefato pretio viginti solidorum, ad et versus *firmas* civitatis predictę faciendum; et quod nullus extraneus

extraneus vendat pannos in civitate *Waterford* predicta aut comitatu civitatis predictæ, libertatibus vel precinctibus ejusdem ad decissionem; et quod iidem cives et successores sui non ponantur cum hominibus forinsecis, nec quod homines forinseci ponantur cum ipsis civibus in *assisis juratis* aut *inquisitionibus* aliquibus, que ratione negotiorum forinsecorum aut ratione terrarum et tenementorum infra comitatum civitatis predictæ, vel civitatem aut libertates predictas emerferint, quamdiu moram fecerint in civitate predicta vel comitatu ejusdem civitatis; et quod non convincantur per forinsecos, sed per concives suos de aliquibus placitis ibidem emergentibus, nisi tangat nos, heredes aut successores nostros aut communitatem civitatis illius; ET ULTERIUS, de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris VOLUMUS ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ, et successoribus suis, quod omnes mercatores extranei, qui in predicta civitate aut libertatibus vel precinctibus comitatus civitatis predictæ mercandizas emerint vel vendiderint juxta formam statuti *stapule*, auxilium et contributionem ad *tallagium* et alia onera dicte civitati incumbencia, supportandum, juxta quantitatem rei empte vel vendite cum civibus solvant etolvere teneantur, et ad hoc, prout justum fuerit, compellantur, sicut aliqui cives civitatis predictæ compelli poterint; et quod cives predicti, mercimonia in terra *Hibernie* crescentia sive provenientia (bladis pro tempore vetito duntaxat exceptis) ad partes *Anglie*, *Gascoigniam* et alias partes in federe et amicitia nostri, heredum et successorum nostrorum, exportare et traducere possint et valeant,

valeant, modo non sint contraria alicui proclamationi in ea parte edite; SCIATIS eciam 118
quod nos, pro et in consideratione erectionis et manutentionis de le *Blocke-Howse* apud le *Passage* infra portum civitatis predictæ pro defensione navium et batellarum in dictum portum ingredientium, de gratia nostra speciali pro nobis, heredibus et successoribus nostris CONCEDIMUS dictis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod bene liceat et licebit eis et eorum successoribus et ministris, ad idem per ipsos legitime constitutis, petere, levare, habere, recipere et capere tam de qualibet batella piscaria vel vase quod veniet, ingredietur vel ducetur de mari in vel ad aliquod crecum, keyam, littus, littora, brachium maris seu in aliquem locum vel loca, de portu sive infra portum de *Waterford* predictæ (communitè vocatum the HAVEN OF WATERFORD) cum piscibus vel causa piscandi quam de aliqua alia batella seu vase, in qua vel in quo homines piscantur infra portum predictum, tolnetum, ratum, sive proficuum, videlicet, de vel pro qualibet batella seu vase, in qua vel in quo homines piscantur pro halecibus, pro toto eodem tempore piscationis, unam *mesiam* halecum (vulgariter vocatam CASTLE MEASE of herrings) ac de et pro qualibet alia batella seu vase, in qua vel quo homines piscantur, pro aliquo alio genere piscium, unum principalem et optimum piscem (vulgariter vocatum a CHIEF or PRINCIPAL FISH) vel unum eorundem principalium piscium in unaquaque hujusmodi navi, cimba vel vase piscatorio existentium vel fore contingentium, toties quoties hujusmodi batella, cimba vel vas piscarium venerit, ducetur vel applicuerit post eorum piscationem in mari de eadem piscatione ad vel in portum predictum, et toties
quoties

- quoties hujusmodi navis, cimba vel batella piscans infra portum predictum sive in aliquo loco inde; et eadem tolnetum ratum et proficuum piscium sic, per predictos majorem, vicecomites et cives comitatus civitatis predictæ seu eorum ministros, recepta et habita ad opus et usum predicti majoris, vicecomitum et civium et successorum suorum imperpetuum, tenere, ut ex gratia et dono nostro speciali, absque aliquo computo seu aliquo alio proinde reddendo, solvendo vel faciendo nobis, heredibus aut successoribus nostris; SALVA unicuique persone, heredibus et assignatis suis, suas regalitates infra portum predictum, ratione aliquarum literarum patentium per aliquem progenitorum vel antecessorum nostrorum factarum, prout in dictis separabilibus cartis seu literis patentibus plenius liquet et apparet; CUMQUE vicecomites comitatus civitatis *Waterford* predictæ, a scaccario nostro apud civitatem nostram *Dublyn* in predicto regno nostro *Hibernie* longo itinere distantes, in magnum damnum et præjudicium suum computa sua ad dictum scaccarium nostrum annuatim vel sepius reddere cogebantur, quod aliter in predicta civitate *Waterford* convenienter fieri possit;
- 121 NOS, volentes eis gratiam et favorem nostrum regalem in hac parte extendere, CONCESSIMUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod vicecomites comitatus civitatis predictæ, pro tempore existente, de tempore in tempus posthac imperpetuum, per seipsos vel sufficientes deputatos sive attornatos suos, sub figillis suis deputandos, computare et computa sua reddere possint de firmis, reventionibus et denariorum summis in manibus suis de tempore in tempus existentibus,

existentibus, nobis, heredibus et successoribus nostris debitis aut solvendis, aut cum quibus pro nobis, heredibus vel successoribus nostris onerari possint et debeant; et de aliis, computos suos concernentibus, coram auditore vel auditoribus per nos, heredes vel successores nostros aut deputatum sive locumtenentem nostri, heredum vel successorum nostrorum dicti regni *Hibernie* aut per capitalem baronem vel per curiam scaccarii dicti regni pro tempore existente, assignandis in tali modo et forma, prout vicecomites dicti regni annuatim computos suos ad dictum scaccarium nostrum *Hibernie* reddunt seu reddere solent; et in defectu huiusmodi auditoris, coram iusticiariis nostris, heredum et successorum nostrorum, ad assisas infra dictum regnum *Hibernie* capiendas, assignandis, cum ad generales assisas sive sessiones pro predicto comitatu *Waterford*, aut pro predicto comitatu civitatis *Waterford* de tempore in tempus tenendas, ad dictam civitatem *Waterford* pervenire contigerint, ad libitum predictorum vicecomitum et non alibi; et quod ad computos suos predictos sic, ut prefertur, de tempore in tempus fiendos, per seipsos vel deputatos, sive attornatos suos admitantur; et quod imposterum computos suos ad dictum scaccarium nostrum faciendos aut declarandos non teneantur sive ullo modo cogantur; mandantes et precipientes baronibus dicti scaccarii nostri, heredum et successorum nostrorum pro tempore existente, quod vicecomites comitatus civitatis predictae pro tempore existente, per breviam, processum, attachiamenta vel aliter, computos suos ad scaccarium predictam aliquo tempore reddere non compellantur, nisi computos suos coram prefatis auditore vel auditoribus sive iusticiariis ad assisas, ut prefertur, reddere recusaverint; aliquo statuto, actu, usu vel consuetudine in contrarium non obstante; CUMQUE per statutum 122

L in

in parlamento apud *Dublyn*, anno regni precharissime nuper sororis nostre ELIZABETHE nuper *Anglie, Francie, et Hibernie* regine undecimo, tento, editum, inter alia inactitatum existit, quod quecumque persona vel persone, que ab ultimo die *Septembris* anno domini millesimo quingentesimo sexagesimo nono ponerent, importarent vel exonerarent in aliquam navem, scapham, batellam, lintrem vel vas aliquas pelles ovinas ad intentionem asportandi easdem extra regnum predictæ *Hibernie* solveret et solverent prefatæ regine, heredibus et successoribus suis pro qualibet tali pelle quatuor denarios sterling, ut custumam, pro eadem solvendam, ultra alias custumas aliis personis per dictum statutum concessas et reservatas, prout per statutum predictum plenius liquet ;

123 SCIATIS quod nos, pro et in consideratione boni, veri et fidelis servitii per dilectos et fideles cives nostros civitatis nostre *Waterford* predictæ, nobis et antecessoribus nostris antehac multipliciter prestiti et impensi ; et pro meliori *relevo* et *manutentione* dictorum civium, de gratia nostra speciali ac ex certa scientia et mero motu nostris DEDIMUS et CONCESSIMUS ac per presentes pro nobis, heredibus et successoribus nostris DAMUS et CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis imperpetuum et unicuique et singulis civium civitatis predictæ, plenam licentiam, potestatem et authoritatem imbarcandi, eskippani, onerandi et transportandi omnes et singulas pelles ovinas extra portum dicte civitatis *Waterford* et extra omnes et singulas crecas et loca infra eundem portum, usque ad portum civitatis nostre *Bristol* et usque ad omnes alios portus convenientes in dicto regno nostro *Anglie* absque dicta custuma quatuor denariorum pro qualibet pelle ovina inde nobis heredibus vel successoribus nostris

nostris solvenda; AC ULTERIUS de uberiori 124
 gratia nostra speciali, certa scientia et mero motu
 nostris, VOLUMUS et pro nobis, heredibus et suc-
 cessoribus nostris CONCEDIMUS prefatis majori,
 vicecomitibus et civibus et singulis civibus ejus-
 dem civitatis, quod prefati major, vicecomites
 et cives comitatus civitatis *Waterford* predictæ et
 singuli cives ejusdem civitatis et successores sui
 imperpetuum de tempore in tempus possint et
 valeant plenam licentiam, potestatem et authori-
 tatem DARE et CONCEDERE omnibus et singulis
 ligeis nostris, heredum et successorum nostrorum
 onerandi et exportandi omnes et singulas pelles
 ovinas extra portum predictæ civitatis *Waterford*
 usque ad dictum portum de *Bristol*, et alios con-
 venientes portus in dicto regno nostro *Anglie*, abs-
 que dicta custuma quatuor denariorum pro qua-
 libet pelle, in forma predicta, solvenda; ac
 etiam, quod predictus major, vicecomites et
 cives et successores sui imperpetuum possint et
 valeant componere, concordare et agreare cum
 omnibus et singulis ligeis nostris, heredum et
 successorum nostrorum pro dicta custuma quatuor
 denariorum in forma predicta solvenda, absque
 ullo computo nobis, heredibus vel successoribus
 nostris inde reddendo; dicto statuto; aut aliqua
 clausula vel provisione in eodem contenta aut
 aliquo alio statuto, actu, ordinatione, provisione,
 proclamatione, restrictione, mandato, usu vel
 prescriptione aut aliqua alia re, causa vel materia
 quacunque in contrarium non obstante; VOLU- 125
 MUS ulterius, ac per presentes pro nobis, here-
 dibus et successoribus nostris FIRMITER INJUN-
 GENDO PRECIPIMUS, quod nulli alii officarii seu
 ministri nostri, heredum vel successorum nostro-
 rum, regni nostri *Anglie* seu regni nostri *Hibernie*,
 qui nunc sunt aut pro tempore erunt, ullo modo
 imprisonabunt, molestabunt, vexabunt, implaci-
 tabunt

- tabunt seu imprisonari, molestari, vexari seu implacitari causabunt vel permittent aliquem vel aliquos civem vel cives dicte civitatis nostre *Waterford* aut eorum servos, factores, attornatos vel mercimonia sua, pro custuma predicta aut pro exercendo vel faciendo rem vel res quascunque, ad quas hec nostra concessio et donatio se
- 126 extendit; AC ULTERIUS VOLUMUS, et FIRMITER INJUNGIMUS pariterque MANDAMUS per presentes, omnibus et singulis officiariis et ministris nostri, heredum et successorum nostrorum, pro tempore existente, quod ipsi, super demonstrationem vel exhibitionem harum literarum nostrarum patentium aut exemplificationem eorundem sub magno sigillo regni nostri *Anglie* vel *Hibernie*, exonerari et dimitti faciant omnes et singulas personas, que imprisonate, molestate, vexate vel implacitate erunt contra effectum seu intentionem earundem seu alicujus rei in eisdem contente;
- 127 AC ECIAM VOLUMUS et MANDAMUS, quod eis salvo deliberari facient omnia talia bona, mercimonia et alias res quascunque, que aliquo modo erunt capte, seiscite aut ab eis detente contra effectum et intentionem harum literarum nostrarum patentium; statuto predicto non obstante, aut aliquo alio statuto, actu, ordinatione, provisione, proclamatione, usu, prescriptione aut restrictione in contrarium edita non obstante;
- 128 ET ULTERIUS VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictae et successoribus suis, quod major, vicecomites, aldermani et assistentes civitatis predictae pro tempore existente vel major pars eorum (quorum majorem pro tempore existente unum esse volumus) plenam habeant et habebunt potestatem et auctoritatem de tempore in tempus, quoties eis opportunum

tunum et necessarium videbitur, tam omnes cives
 et inhabitantes, residentes vel commorantes infra
 comitatum dicte civitatis aut civitatem predictam,
 libertates et precinctus eorundem, quam omnes
 alias personas quascunque aliqua domos, messua-
 gia, terras, sive tenementa infra civitatem vel
 comitatum civitatis predicte, libertates vel pre-
 cinctus eorundem habentes, occupantes vel possi-
 dentes, rationabiliter taxare et assidere in aliqui-
 bus denariorum summis, per ipsos solvendis
 et respondendis, ad et versus necessaria onera,
 sumptus et expensas civitatis predicte ac comita-
 tus ejusdem civitatis, libertatum et precinctuum
 eorundem, aut pro aliquibus aliis rebus et mate-
 riis civitatem predictam, aut comitatum civitatis
 ejusdem tangentibus seu quoquo modo concernen-
 tibus; et omnes denariorum summas per ipsos sic,
 ut prefertur, de tempore in tempus, taxandas et
 assidendas, levare et percipere de quibuscunque
 civibus, inhabitantibus, residentibus et domo-
 rum et terrarum occupatoribus infra civitatem vel
 comitatum civitatis predicte, libertates vel pre-
 cinctus eorundem ad usum civitatis predicte per
 districtionem bonorum vel catallorum, aut per im-
 prisonamentum corporum suorum aut aliter quo-
 cunque legali modo, secundum leges et consuetu-
 dines regni nostri *Hibernie*, et prout in aliqua alia
 civitate, burgo sive villa incorporata infra reg-
 num nostrum *Anglie* aut dictum regnum *Hibernie*
 usitatum est; et he litere nostre patentes vel
 irrotulamentum earundem erunt de tempore in
 tempus prefatis majori, vicecomitibus et civibus
 comitatus civitatis predicte et successoribus suis
 sufficiens warrantum et exoneratio in hac parte;
ET ULTERIUS ex gratia nostra speciali ac ex 129
 certa scientia et mero motu nostris DEDIMUS et
 CONCESSIMUS ac, per presentes, pro nobis, he-
 redibus et successoribus nostris, DAMUS et CON-
 CEDIMUS

CEDIMUS prefatis majori, vicecomitibus et civi-
 bus comitatus civitatis predicte et successoribus
 suis, quod major et commune consilium civitatis
 predicte, pro tempore existente, habeant et
 habebunt plenam potestatem et auctoritatem ha-
 bendi et tenendi coram eis vel maiore parte eorum
 (quorum maiorem civitatis predicte, pro tem-
 pore existente unum esse VOLUMUS) in aliquo
 loco conveniente infra civitatem predictam ad
 hoc appunctuando, quandam curiam sive con-
 silium pro gubernatione ORPHANORUM, libero-
 rum hominum vel liberarum feminarum ejusdem
 civitatis, qui vel que in vitis suis vel tempore
 mortis sue, per aliquod scriptum suum, in vita
 sua confectum, vel per ultimam voluntatem
 suam in scriptis, liberos vel orphanos suos
 in tutelam majoris, vicecomitum et civium
 comitatus civitatis predicte COMMENDARENT et
 non aliter; que curia sive consilium vocabitur
 omnibus futuris temporibus, CURIA ORPHANO-
 RUM civitatis predicte, et tenta erit semel in
 qualibet septimana ad appunctionem majoris
 civitatis predicte pro tempore existente; in qua
 curia sive consilio, sic tenendo, major, viceco-
 mites et aldermani civitatis predicte, pro tempore
 existente, et ceteri de communi consilio ejusdem
 civitatis vel major pars eorum, (quorum maiorem
 unum esse VOLUMUS), plenam potestatem et au-
 thoritatem habeant de tempore in tempus ORDI-
 NANDI et DISPONENDI custodiam, ac bona et
 catalla, jura, credita et denarios talium orpha-
 norum in tali modo et forma, prout major et
 aldermani civitatis nostre *London* in regno nostro
Anglie de antiqua consuetudine ejusdem civitatis,
 ea ordinare et disponere solent; **PROVISO**
 semper, quod major et commune consilium civi-
 tatis *Waterford* predicte, pro tempore existente,
DARE et **ALLOCARE** debeant erga *educationem* et
manutentionem

manutentionem talium orphanorum, secundum raturum sex librarum, ad minus, pro quibuscumque centum libris, pro uno anno integro, et sic, secundum raturum temporis, quamdiu in minibus et dispositione predicti majoris et communis consilii remanserit; et quod prefati major, vicecomites et cives comitatus civitatis predictae et successores sui de tempore in tempus respondeant et onerabiles sint prefatis orphanis de et pro omnibus denariorum summis, bonis et catallis in manus suas receptis, cuicumque persone aut quibuscumque personis, ea aut aliquam inde partem commiserint; et de proficuis eorundem secundum raturum predictum; et quod prefati major, vicecomites, aldermani et assistentes de tempore in tempus securitatem dabunt sub communi sigillo civitatis predictae pro secura solutione omnium talium bonorum et denariorum summarum, quales per eos recepte sunt; ita quod orphani predicti, pro remedio suo, ad nullam aliam personam vel alias personas nullatenus applicent quam ad majorem, vicecomites et cives comitatus civitatis predictae, in quorum custodia, ut prefertur, commissi et recepti sunt; ET ULTERIUS VOLUMUS, ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictae et successoribus suis, quod major civitatis predictae pro tempore existente et clericus ad recognitiones debitorum secundum formam *statuti mercatorum* et statuti de *Acton Burnell* accipiendas, assignandus, modo et forma in presentibus expressis aut mentionatis, appunctuandus, habeant imperpetuum plenam potestatem et auctoritatem capiendi et recipiendi quascumque recognitiones et executiones inde faciendas juxta formam statuti mercatorum et statuti de *Acton Burnell* nuper editi; nec

nec non omnia alia faciendum et exequendum que, vigore eorundem statutorum seu eorum alicujus, ad aliquem majorem et ad aliquem clericum in aliqua alia civitate sive burgo incorporato infra regnum *Anglie* aut dictum regnum *Hibernie* ad recognitiones debitorum secundum formam statutorum predictorum seu eorum alicujus appunctuatum, vel eorum aliquem pertinent vel pertinere possint aut debeant; et quod iidem major et clericus, pro tempore existente, habeant et habebunt et, vigore presentium, conficient, assument et applicabunt unum sigillum de duabus *peciis*, cujus una pars erit major pars et altera pars ejusdem erit minor pars, ad recognitiones predictas coram eis imposterum recognoscendas, sigillandum juxta formam statutorum predictorum de mercatoribus et *Aston Burnell*; quod quidem sigillum erit et appellabitur deinceps imperpetuum SIGILLVM nostrum, heredum et successorum nostrorum ad recognitiones debitorum infra civitatem predictam et comitatum ejusdem civitatis capiendas, sigillandum; cujus quidem sigilli major pars remanebit semper in custodia majoris civitatis predictae pro tempore existente et altera pars ejusdem sigilli erit et remanebit imperpetuum in manibus clerici, pro tempore existente, deputati vel appunctuati ad recognitiones predictas scribendum et irrotulandum; et ad minorem peciam ejusdem sigilli custodiendum, secundum intentionem harum literarum nostrarum patentium; ET pro meliori executione voluntatis nostre in hac parte VOLUMUS ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictae et successoribus suis, et ORDINAMUS, quod COMMUNIS CLERICUS civitatis predictae, pro tempore existente, sit et erit clericus noster, heredum et successorum nostrorum ad recognitiones

recognitiones debitorum, secundum formam statutorum predictorum et eorum alicujus infra civitatem predictam aut comitatum ejusdem civitatis, accipiendum, scribendum et irrotulandum; ac ad rotulas, memoranda, et recorda inde servandum; ac ad minorem peciam sigilli predicti custodiendum; et ad omnia alia faciendum et exequendum, que ad aliquem clericum ad recognitiones debitorum, secundum formam statutorum predictorum sive eorum alicujus, appunctuatum pertinent, faciendum et exequendum; dictumque communem clericum civitatis predictæ, pro tempore existente, clericum nostri, heredum et successorum nostrorum ad recognitiones debitorum, infra civitatem predictam et comitatum ejusdem civitatis secundum formam statutorum predictorum vel eorum alicujus, accipiendum, scribendum et irrotulandum; et ad minorem peciam sigilli predicti custodiendum; et ultra, ad omnia alia faciendum et exequendum, que ad aliquem clericum ad recognitiones debitorum, secundum formam statutorum predictorum aut eorum alicujus, pertinet, facienda et exequenda, pro nobis, heredibus et successoribus nostris, FACIMUS, ORDINAMUS et CONSTITUIMUS per presentes; ET ULTERIUS de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris, pro nobis, heredibus et successoribus nostris, CONSTITUIMUS et ORDINAMUS, quod *Alexander Leonard, Johannes Skiddy, Willielmus Lincoll, Patricius Meiler, Patricius White, Johannes Ley, Thomas White, Bartholomeus Lincoll, Thomas Walsb, Johannes Fagan, Nicholas Browne, Thomas Mayne, Willielmus Lincoll, Johannes Butler et Robertus Lincoll*, cives civitatis *Waterford*, ac omnes et singuli mercatores, qui imposterum erunt de societate mercatorum stapule civitatis predictæ, sint UNA COMMUNITAS et CORPUS INCOR-

PORATUM de se, re et nomine, habeantque successionem perpetuam perpetuis futuris temporibus duraturam, ac sint et erunt in re, facto et nomine unum corpus incorporatum per se imperpetuum per nomen MAJORIS, CONSTABULARIORUM et SOCIETATIS mercatorum stapule civitatis *Waterford*, ac ipsos et successores suos unum corpus incorporatum et politicum per nomen MAJORIS, CONSTABULARIORUM et SOCIETATIS mercatorum stapule civitatis *Waterford* INCORPORAMUS, STABILIMUS et UNIMUS; et corpus incorporatum, per idem nomen et sub eodem nomine MAJORIS, CONSTABULARIORUM et SOCIETATIS mercatorum stapule civitatis *Waterford* imperpetuum duraturum, *realiter et ad plenum* pro nobis, heredibus et successoribus nostris INCORPORAMUS, STABILIMUS, CREAMUS, ERIGIMUS, ORDINAMUS, FACIMUS, et CONSTITUIMUS per presentes; et quod per idem nomen habeant successionem perpetuam, quodque habeant commune sigillum, pro rebus et negotiis suis agendis, deserviturum; AC VO- 134 LUMUS ac per presentes FACIMUS, ORDINAMUS, ASSIGNAMUS, et CONSTITUIMUS prefatum *Alexandrum Leonard* primum et modernum majorem stapule civitatis *Waterford* predictæ, ac predictum *Thomam White* et *Bartholomeum Lincoll* primos et modernos constabularios stapule civitatis *Waterford* predictæ; continuandos in eisdem officiis usque in diem festi apostolorum *Simonis et Jude* aut diutius aut breviori tempore, prout dicte societati mercatorum stapule civitatis predictæ, vel majori parti eorum, videbitur expedire; ET 135 ULTERIUS pro nobis, heredibus et successoribus nostris VOLUMUS ac per presentes DAMUS et CONCEDIMUS prefatis majori, constabulariis et societati mercatorum stapule civitatis *Waterford* predictæ et successoribus suis, quod dicta societas mercatorum stapule civitatis *Waterford*, de seipsis eligere

eligere possint et valeant apud civitatem nostram *Waterford* de tempore in tempus imperpetuum, quando dicte societati mercatorum dicte stapule civitatis *Waterford*, aut majori parti ejusdem ibidem esistenti visum fuerit expedire, de seipsis unum majorem et duos constabularios pro gubernatione mercatorum societatis stapule civitatis *Waterford* predicte; quodque dicta societas mercatorum stapule civitatis *Waterford* predicte valeant et possint in aula mercatorum ejusdem societatis dicte stapule civitatis *Waterford* libere et licite de tempore in tempus deinceps imperpetuum CONVENIRE et CONGREGATIONEM et ASSEMBLATIONEM de seipsis facere infra dictam civitatem in talibus et tam amplis et consimilibus modo et forma, prout major, constabularii et societas mercatorum stapule civitatis nostre *Dublyn* in regno nostro *Hibernie*, aut prout major, constabularii et societas mercatorum stapule civitatis nostre *London* in regno nostro *Anglie* aliquo tempore antehac, liberius facere consuevere aut potuere; ac quod apud dictam civitatem *Waterford* de tempore in tempus possint et valeant de eorum communi assensu vel de communi assensu majoris partis societatis mercatorum stapule predicte civitatis *Waterford*, ad tunc et ibidem congregare et assembleare, libere de seipsis NOMINARE et ELIGERE unum majorem pro anno ad tunc futuro vel minus duraturum, permanfurum et continuaturum, et duos constabularios ad ejusdem societatis mercatorum stapule dicte civitatis pro tempore existente vel majoris partis eorundem ibidem congregare et assembleare, ad voluntatem et libitum duraturos, permanfuros et continuaturos; AC etiam, quod apud dictam civitatem *Waterford* de tempore in tempus imperpetuum valeant et possint libere et licite NOMINARE, ELIGERE et ADMITTERE in dictam societatem merca-

torum stapule civitatis *Waterford* ac in dictum corpus, per presentes incorporatum et stabilitum omnes et singulas personas quascunque ex ejusdem societatis mercatorum stapule communi assensu vel majoris partis ejusdem societatis ibidem congregate et assembleate; ac quod de tempore in tempus imperpetuum valeant et possint libere et licite ibidem NOMINARE, ELIGERE et CONSTITUERE omnes et singulos tales, hujusmodi et conformes officarios, ministros et servientes ejusdem stapule civitatis *Waterford*, pro anno ad tunc futuro seu minus, ad ejusdem societatis mercatorum stapule civitatis *Waterford* voluntatem et libitum, duraturos et deservituros, quos et quales dicte societati mercatorum stapule dicte civitatis et eorum successoribus pro tempore existente, vel majori parti ejusdem societatis ibidem congregate et assembleate, expedire seu conveniens et necessarium fore pro bono ordine, regimine et gubernatione predictae stapule dicte civitatis et societati ejusdem, videbitur; ET quod eisdem, sic nominatos, electos et constitutos ex ejusdem societate mercatorum stapule dicte civitatis vel majoris partis ejusdem societatis ibidem congregate et assembleate, ad libitum et voluntatem, pro delictis et offensis, malo regimine sive aliqua causa vel actione rationabili quacunque, ab officiis, ministeriis seu serviciis suis AMOVERE, EXCLUDERE et EXPELLERE; ac alios, vice et in loco seu locis eorundem, sic amotorum seu exclusionum vel mortuorum, NOMINARE, ELIGERE, et PREFICERE ibidem durare, deservire et, ut predictur, continuare; nec non FACERE, ORDINARE, CONSTITUERE et EXEQUI omnia et singula alia necessaria et opportuna, dictam societatem mercatorum stapule civitatis predictae et eorum statum et regimen tangentia, seu qualitercunque concernentia de tempore in tempus libere et licite

te valeant et possint imperpetuum, in tam amplis modo et forma, prout major, constabularii et societas mercatorum stapule predictæ civitatis *Dublin*, aut predicti major, constabularii et societas mercatorum stapule predictæ civitatis *London* liberius facere consuevere, debuere seu legitime potuerunt; AC INSUPER de ampliori gratia nostra, certa scientia et mero motu nostris pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori, constabulariis et societati mercatorum *stapule* civitatis *Waterford* predictæ et successoribus suis, quod prefati major, constabularii et societas et eorum successores imperpetuum et quilibet mercatorum dictæ societatis pro tempore existente HABEANT, TENEANT, GAUDEANT, EXERCEANT et UTANTUR, HABEAT, TENEAT, GAUDEAT, EXERCEAT, et UTATUR, ac HABERE, TENERE, GAUDERE, EXERCERE et UTI valeant et possint, valeat et possit infra predictam civitatem et comitatum civitatis *Waterford* predictæ tot, tanta, talia, eadem, huiusmodi et consimilia, libertates, consuetudines, franchises, privilegia, potestates, authoritates, preheminencias, jurisdictiones, immunitates, commoditates, ac omnia alia jura quecunque cujuscunque generis, speciei, nominis, qualitatis, seu conditionis sint vel fuerint, sit vel fuerit, non existentia repugnantia sive contraria hiis literis nostris patentibus vel alicui articulo in eisdem contento aut specificato, quot, quanta, qualia et que predictus major, constabularii et societas mercatorum stapule predictæ civitatis *Dublin* aut predictæ civitatis *London* quocunque nomine vel additione nominis seu incorporationis censebantur, vocabantur sive nuncupabantur, habuerunt, exercuerunt, usi vel gavisi fuerunt, aut habere, exercere, uti vel gaudere potuerunt aut debuere ratione vel pretextu alicujus actus parliamenti sive aliquorum actuum parliamenti aut

aut alicujus vel aliquorum statuti vel statu-
 torum aut aliquarum literarum patentium per
 aliquem progenitorum vel antecessorum nos-
 trorum, nuper regum vel reginarum *Anglie*
 habitarum sive factarum aut alicujus legitime
 prescriptionis, usus vel consuetudinis, aut aliquo
 alio legali modo, jure seu titulo, aliqua forisfac-
 tura, non-usu seu abusu eorundem seu eorum
 alicujus antehac habito seu facto seu aliqua re,
 causa, materia, lege, statuto, consuetudine, usu
 139 vel proclamatione in aliquo non obstante; VO-
 LUMUS tamen quod predictus *Alexander Leo-
 nard* superius in presentibus assignatus fore major
 stapule civitatis predictæ, antequam ad officium
 majoris stapule exequendum admittatur, sacra-
 mentum corporale super sanctum dei evangelium
 ad officium majoris stapule civitatis predictæ bene
 et fideliter, in omnibus et per omnia ad officium
 illud pertinentia, exequendum coram prefatis
Richardo Aylward et *Petro Aylward* militibus et
Thoma Gough armigero aut duobus vel uno eorum
 prestabit; quibus quidem *Richardo Aylward*,
Petro Aylward et *Thome Gough* et duobus vel uni
 eorum, plenam potestatem et authoritatem dandi
 et administrandi tale sacramentum, ut prefertur,
 prefato *Alexandro Leonard*, pro nobis, heredibus
 et successoribus nostris DAMUS et CONCEDIMUS
 per presentes, absque aliqua alia commissione
 vel warranto a nobis, heredibus vel successoribus
 140 nostris in ea parte procurando aut obtinendo; ET
 quod major et constabularii stapule civitatis pre-
 dictæ pro tempore existente antequam ad officium
 majoris vel constabulariorum stapule ibidem
 exequendum admittantur, seu eorum aliquis
 admittatur, sacramentum corporale super sanc-
 tum dei evangelium, ad officia sua respective
 bene et fideliter in omnibus et per omnia ad ea
 respective pertinentia, exequendum in forma
 sequenti

sequenti prestabunt et eorum quilibet prestabit,
 videlicet, quilibet major stapule pro tempore ex-
 istente coram ultimo majore predecessore suo si
 tunc in vita existit, vel coram duobus vel pluribus
 aldermanorum civitatis predictæ pro tempore
 existente, et predicti constabularii stapule pre-
 dictæ pro tempore existente coram majore stapule
 civitatis predictæ pro tempore existente; quibus
 quidem majori et duobus vel pluribus alderma-
 norum civitatis predictæ pro tempore existente
 respective, plenam potestatem et auctoritatem
 dandi et administrandi tale sacramentum, ut pre-
 fertur, pro nobis, heredibus et successoribus
 nostris DAMUS et CONCEDIMUS per presentes,
 absque aliqua alia commissione vel warranto a
 nobis, heredibus vel successoribus nostris in ea
 parte procurando aut obtinendo; ET ut major, 141
 vicecomites et cives civitatis et comitatus civitatis
 predictæ melius et liberius libertatibus hisce gau-
 deant et utantur, quas NOS eis CONCEDERE DIG-
 NAMUR per presentes; et ut ceteri justiciarii
 ad pacem conservandam infra civitatem predictam
 et comitatum civitatis predictæ et alii officarii
 ibidem per presentes constituti, auctoritates illas
 per presentes eis datas et concessas, melius exe-
 qui poterint, ad reprimendum et restringendum
 illa enormia et malegesturas, que in civitate
 predicta et in comitatu civitatis predictæ per per-
 sonas refractorias et inordinatas commisse forent,
 si remedium congruum non adhibeatur; VOLU-
 MUS ac per presentes pro nobis, heredibus et
 successoribus nostris, ORDINAMUS et CONSTI-
 TUIMUS, ac dictis majori, vicecomitibus et civi-
 bus comitatus civitatis *Waterford* predictæ et suc-
 cessoribus suis CONCEDIMUS, quod nulla persona
 vel persone posthac imperpetuum aliquod vinum
 aut aliquam cervisiam vel *aquam vite* sive aquam
 vel potum vocatum *usquebagh* aut *biriam* (anglice
 beere)

beere) infra civitatem *Waterford* predictam seu comitatum civitatis *Waterford*, libertates vel precinctus ejusdem, vendet aut venditioni exponet, virtute, pretextu five colore alicujus licentie five tolerationis eis aut eorum alicui concessisse vel concedende per aliquam personam vel aliquas personas, que antehac ab aliquo vel aliquibus progenitorum vel antecessorum nostrorum obtinuerit vel obtinuerint vel impofterum a nobis, heredibus vel successoribus nostris obtinebit vel obtinebunt literas patentes vel concessionem ad hujusmodi licentias et tolerationes concedendum; sed quod omnes et singule tales licentie et tolerationes infra civitatem aut comitatum civitatis predictæ exequende vel gaudende, vacue erunt et nullius effectus; aliquo in eis contento, aut aliquibus hujusmodi literis patentibus vel concessionibus in contrarium non obstantibus; et quod cives et inhabitantes civitatis et comitatus civitatis predictæ inde nullo modo occasionentur; VOLU-
 142 MUS ulterius, ac per presentes pro nobis, heredibus et successoribus nostris PRECIPIMUS et MANDAMUS omnibus et singulis iudicibus, justiciariis, baronibus et aliis officariis et ministris nostris, heredum et successorum nostrorum dicti regni *Hibernie* pro tempore existente, quibus pertinebit, quod ipsi aut eorum aliquis vel aliqui posthac aliquod breve, summonitionem, processum vel preceptum pro levatione vel recuperatione aliquorum reddituum, compositionum, aut denariorum summarum, colore dictarum literarum patentium, concessionum, five licentiarum petendarum aut demandandarum dirigant aut faciant, dirigat vel faciat, aut fieri vel dirigi causabunt vel causabit; sed quod super solam demonstrationem harum literarum nostrarum patentium vel exemplificationum aut irrotulamentorum earundem, plenam et absolutam exonerationem et acquietantiam

quietantiam de et ab omnibus hujusmodi redditibus, compositionibus et denariorum summis, omnibus et singulis civibus et inhabitantibus civitatis, aut comitatus civitatis predictæ, talem exonerationem petentibus de tempore in tempus faciant aut fieri causabunt; ET he litere nostre 143
 patentes vel irrotulamentum earundem erunt tam dictis iudicibus, justiciariis, officiariis et ministris nostris et eorum cuilibet, sufficiens warrantum et exoneratione pro executione præmissorum quam omnibus et singulis civibus civitatis et comitatus civitatis predictæ, inhabitantibus infra civitatem vel comitatum civitatis predictæ, exoneratione sufficiens pro non solutione aliquarum denariorum summarum, pro, vel in respectu alicujus talis licentie vel tolerationis secundum MANDATUM et BENEPLACITUM nostrum in hac parte per presentes 144
 DECLARATA et EXPRESSA; ET ut concessionnes et informationes, que tendunt in reipublice detrimentum reprimantur et pro nullo penitus habeantur, quatenus monopoliorum nomina sortiuntur, VOLUMUS ac per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS præfatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod sola et integra dispositio venditionis vini, cervisie, birie, aqua vite et usquebagh ac correctio et punizio eorundem ac alia ista concernentia infra civitatem predictam ac comitatum dicte civitatis, libertates et precinctus eorundem de cetero imperpetuum sint et erunt infra potestatem et jurisdictionem majoris et ceterorum officiariorum civitatis predictæ pro tempore existente, fienda, exequenda et ordinanda secundum effectum et veram intentionem presentium; et quod singuli cives et inhabitantes ejusdem civitatis et comitatus civitatis predictæ de cetero imperpetuum libere, licite et impune possint et valeant componere,
N
distillare

distillare et facere *aquam vite* et *usquebagh*, et easdem sic factas et distillatas tam ad eorum usum proprium convertendas quam venditioni exponendas; statuto in parlamento PHILIPPI et MARIE annis regni sui tertio et quarto, aut aliquo alio statuto, actu seu restrictione in contrarium inde in aliquo non obstante; absque computo vel aliquo alio inde nobis, heredibus vel successoribus nostris reddendo, solvendo vel faciendo;

145 SCIATIS ULTERIUS quod nos, de consimili favore et gratia nostra speciali, ac ex certa scientia et mero motu nostris, DEDIMUS, CONCESSIMUS et CONFIRMAVIMUS ac per presentes, pro nobis, heredibus et successoribus nostris DAMUS, CONCEDIMUS et CONFIRMAMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis imperpetuum totam civitatem *Waterford* in regno nostro *Hibernie* cum suis juribus, membris, libertatibus et pertinentiis universis; nec non manerium sive dominium de *Killowran* cum omnibus suis pertinentiis in predicto comitatu civitatis *Waterford* et comitatu *Waterford* sive eorum altero in eodem regno *Hibernie*; nec non totum illud messuagium ac omnes illas terras arabiles, continentes per estimationem octoginta acras, sint inde plus sive minus, et pratum illud continens per estimationem quinque acras cum omnibus suis pertinentiis in tenemento de *Cloncredane*, videlicet, duas acras prati, jacentes inter terram, que quondam fuit *Bartholomei* de *Burgwasb* militis ex parte australi et aquam del *Sbur* ex parte aquilonis ex opposito aule del *Gre-nagh*, et totum illud pratum jacens inter terram, que quondam fuit *Walteri Devenysb* ex parte australi et aquam del *Sbur* ex parte aquilonis juxta *Chepman* pullam continens per estimationem tres acras, sint inde plus sive minus; ac etiam omnes illas terras nostras arabiles, continentes per estimationem

mationem quadraginta octo acras five plus five minus et pratum illud nostrum continens per estimationem tres acras in dicto tenemento de *Cloncredane*; ac etiam omnes illas terras arabiles continentes per estimationem sexaginta acras in dicto tenemento, que vocantur *Portnebull* in comitatu *Waterford* vel in comitatu civitatis *Waterford* cum omnibus suis pertinentiis; nec non omnes alias terras, tenementa et hereditamenta quecunque in predicto regno *Hibernie*, que major, vicecomites et cives comitatus civitatis predictæ ante seizuream et captionem libertatum civitatis predictæ in manus predicti patris nostri, videlicet, anno decimo quarto regni sui *Anglie* melius et liberius habuerunt, tenuerunt vel gavisi fuerunt aut habere, tenere vel gaudere estimabantur quocunque legali modo, jure seu titulo; **HABENDUM, TENENDUM et GAUDENDUM** predictam civitatem ac predictam manerium five dominium, messuagium, terras et tenementa cum eorum juribus, membris et pertinentiis universis prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis ad solum et proprium opus et usum ipsorum majoris, vicecomitum et civium et successorum suorum imperpetuum; **TENENDUM** in **LIBERO BURGAGIO**; et volumus et per presentes pro nobis, heredibus et successoribus nostris **CONCEDIMUS** prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod ipsi et successores sui de cetero imperpetuum habeant, teneant, exercent et gaudeant ac bene, quiete et pacifice habere, tenere, exercere, uti et gaudere possint et valeant predictam civitatem, ac predictum manerium, five dominium, messuagium, terras et tenementa cum pertinentiis; nec non omnia et singula predictas libertates, franchises, immunitates, portum, custumas, curias, potestates, authoritates, privilegia, proficua, commoditates,

ditates, advantagia, emolumenta et hereditamenta et cetera omnia et singula premissa, superius per presentes preconcessa aut mentionata fore concessa cum pertinentiis, secundum veram intentionem presentium, absque molestatione sive contradictione nostri, heredum vel successorum nostrorum aut aliquorum officiariorum sive ministrorum nostrorum, heredum vel successorum nostrorum quorumcunque; REDDENDO et SOLVENDO inde nobis, heredibus et successoribus nostris tot, tanta, talia, huiusmodi et consimilia feodi firmas, redditus, et denariorum summas, quot, quanta, qualia et que predicto nuper precharissimo patri nostro JACOBO regi ad vel ante annum regni sui *Anglie, Francie et Hibernie* decimum quartum pro eisdem debita, consueta vel solubilia fuerunt; ET ULTERIUS de ampliori gratia speciali ac ex certa scientia et mero motu nostris, DEDIMUS et CONCESSIMUS, ac per presentes pro nobis, heredibus et successoribus nostris, DAMUS et CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictae et successoribus suis imperpetuum, totum scitum, circuitum, ambitum et precinctum nuper abbie, monasterii, sive domus religiose de *Killkillebin* in comitatu *Kilkenny*, et in comitatu civitatis *Waterford* sive in eorum altero, modo vel nuper existentis; ac omnia messuagia, molendina, terras, tenementa, prata, pastua, pasturas, columbaria, aquas, stagna, piscaria, gurgita, moras, mariscos, boscos, suboscos, redditus, reversiones et servitia ac omnia alia hereditamenta et possessiones quascunque in villis villatis, campis, hamlettis, dominiis, territoriis, metis, limitibus et bundis de *Killkillebin, Newrath, Roberteston, Gragdranton, Rathkillebin, Adregoll* et *Rathaspik*e cum pertinentiis suis universis, que sunt aut unquam sive aliquo tempore fuere reputate, cognite, habite vel recepte, ut
pars,

pars, parcella vel membrum dicti nuper monasterii, abbie five domus religioſe de *Killkillebin* vel abbatiſſe five prioriſſe vel ſanctimonialium five religioſarum de *Killkillebin* vel villarum predictarum; ac omnes illas rectorias, vicarias, eccleſias et capellas de *Killkillebin*, *Rathpatrick*, *Killmokevog*, *Ballygorym* alias *Ballymolgorim*, *Shanenvogh*, *Rosbar* alias *Rosbarrecon*, *Diſbertmoan*, *Mocknolly* alias *Mockolly*, *Portneſcolle*, *Pollrowan*, *Illede*, *Downebill* alias *Downbill* vel *Dunnill*, *Newcastle*, *Killigh* alias *Killcagh*, *Knockanmorne* et *Rathſpike* in comitatu civitatis *Waterford*, *Killkenny*, *Waterford*, *Corke*, *Katherlough* et *Kildare*; ac eciam omnes decimas, alteragia, emolumenta, oblationes, obventiones et proficua dictarum rectoriarum, vicariarum et capellarum predictarum; et omnes advocaciones, donationes et preſentationes omnium et ſingularum vicariarum, eccleſiarum et capellarum dictarum rectoriarum; nec non omnes libertates, liberas conſuetudines, privilegia, francheſias et juridiſctiones premiſſis et eorum alicui pertinentes ſeu ſpectantes; ac eciam redditus, reverſiones et ſervitia, et omnes terras, tenementa et hereditamenta quecumque cum pertinentiis ſuis univerſis, tam ſpiritualibus quam temporalibus dicte abbie, monaſterio five domui religioſe vel ville de *Killkillebin* et *Newrath* et ceteris villis predictis vel eorum alicui vel dictis rectoriis, vicariis, eccleſiis, advocacionibus eccleſiarum et capellarum et eorum alicui in comitatu *Killkenny*, *Waterford*, *Corke*, *Catherlough* et *Kildare* vel alibi in aliquo comitatu vel loco dicti regni noſtri *Hibernie* pertinentibus five ſpectantibus vel ut membrum pars vel parcella eorundem vel eorum alicujus modo vel tempore preterito uſitatis, habitis, cognititis, receptis vel aliquo modo reputatis; AC eciam omnes advocaciones vicariarum, preſentationes, donationes, nominationes
vicariorum

vicariorum stipendiorum, capellanorum et curatorum in omnibus vicariis, et ad omnes vicarias dicti nuper monasterii, abbie five domus religioſe de *Killkillebin* vel rectoriis predictis aut alicui premissorum pertinentes five modo quovis vel aliquo tempore spectantes; Ita quod liceat dicto majori, vicecomitibus et civibus et eorum successoribus, quando vicarie predictae vacaverint vel earum aliqua vacaverit, ad eas vel earum quamlibet vicarios, curatos, stipendiarios vel capellanos presentare; et omnia alia facere in premissis, que eis melius videbitur expedire, absque calumpnia vel impetitione nostri, heredum vel successorum nostrorum, justiciariorum, escaetorum, vicecomitum vel officiariorum nostrorum, heredum vel successorum nostrorum quorumcunque (lapsibus, quando legitime inciderint, semper exceptis et reservatis;) quocunque alio nomine foundationis, erectionis, incorporationis, dotationis vel additionis dicta abba, monasterium et domus religiosa dicte ville de *Killkillebin* et *Newrath* et cetera ville predictae, rectorie, vicarie, ecclesie, capelle et ad vocationes ecclesiarum, rectoriarum et vicariarum predictarum et cetera premissa vel eorum aliqua et quevis earum parcella censentur vel censeantur, cognoscuntur, fundantur, appellantur vel incorporantur vel cenſeri, cognosci, fundari appellari vel incorporari debent vel debet, (pistrino, furno et granario dicti nuper monasterii five domus de *Killkillebin* semper reservatis et exceptis nobis, heredibus et successoribus nostris;) ITA tamen quod liceat dicto majori, vicecomitibus et civibus comitatus civitatis *Waterford* et successoribus suis, eorumque firmariis, tenentibus, officiariis et ministris dictum granarium furnum et pistrinum ad usus suos proprios occupare, possidere et convertere, quando ea, per nos, heredes et successores nostros, aut nostros officarios ad usum

usum nostrum, per mandatum nostrum, heredum vel successorum nostrorum vel deputati aut alterius gubernatoris vel gubernatorum regni nostri *Hibernie* non occupantur vel possidentur; que quidem furnum, pistrinum et granarium dicti major, vicecomites et cives comitatus civitatis *Waterford* et successores sui et assignati sui, sumptibus et expensis suis propriis de tempore in tempus convenienter et sufficienter reparabunt, manutenebunt et sustentabunt; **HABENDUM** 152
et tenendum dictum scitum, circuitum, ambitum, et precinctum nuper abbie, monasterii sive domus religiose de *Killkillebin* et dictas villas, et omnia terras, tenementa et hereditamenta, redditus, reversiones et servitia quecumque cum pertinentiis suis universis in et de *Killkillebin*, *Newrath*, *Robertstone*, *Gragdrantan*, *Rathkillebin*, *Rathaspick* et *Adregoll*, ac rectorias, vicarias, ecclesias et capellas, advocaciones ecclesiarum, capellarum rectoriarum et vicariarum in et de *Killkillebin*, *Rathpatrick*, *Kilmokevog*, *Ballygorym* alias *Ballymolgorim*, *Shanevough*, *Rosbarr* alias *Rosbarrecon*, *Disbertmoan* alias *Disbertnoan*, *Moknelly* alias *Mokolly*, *Portnescolle*, *Pollrowan*, *Illed*, *Downehill* sive *Dunill*, *Newcastle*, *Killeigh* alias *Gilcagh*, *Knockanmorne* et *Rathaspick* et omnes decimas et alia proficua, alteragia, emolumenta, oblationes, obventiones et proficua dictarum ecclesiarum rectoriarum, vicariarum et capellarum; nec non omnes terras, tenementa, hereditamenta, redditus et reversiones tam temporalia quam spiritualia predicta et libertates, privilegia et liberas consuetudines et cetera premissa quecumque cum pertinentiis universis, dictis majori, vicecomitibus et civibus comitatus civitatis *Waterford* et successoribus suis imperpetuum ad eorum usum proprium; **TENENDUM** de nobis, 153
heredibus et successoribus nostris in *communi* et
libero

- 154 *libero focagio* in feodi firma; REDDENDO et solvendo proinde annuatim imperpetuum nobis, heredibus et successoribus nostris, ad manus thesaurarii sive generalis receptoris nostri, heredum vel successorum nostrorum regni nostri *Hibernie* pro tempore existente ad usum nostrum, heredum et successorum nostrorum ad receptum scaccarii nostri, regni nostri *Hibernie* predictæ, de feodi firma quinquaginta novem librarum et viginti denariorum legalis et currentis monete *Hibernie*; solvende annuatim per equales portiones et justas dimidietates ad festa sive dies sancti *Michaelis* archangeli et *Pasche*, medietatem videlicet, dicti redditus quinquaginta novem librarum et viginti denariorum ad festum *Pasche* annuatim, et aliam dimidietatem ad festum sive diem sancti
- 155 *Michaelis* archangeli imperpetuum; VOLUMUS tamen ac per presentes pro nobis, heredibus et successoribus nostris, de ampliori gratia nostra speciali ac ex certa scientia et mero motu nostris CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, quod he litere nostre patentes aut aliquid in eisdem contentum, aut alique alie litere patentes per aliquem progenitorum vel predecessorum nostrorum regum *Anglie* et *Hibernie* vel dominorum *Hibernie* de predicta abbacia, monasterio sive domo religiosa de *Killkillebin* aut scitu, circuitu, ambitu vel precinctu ejusdem et ceteris premissis simul ultimo preconcessis aut de aliqua inde parcella facte, aliququaliter se non extendent ad onerandum prefatos majorem, vicecomites et cives comitatus civitatis predictæ aut successores suos aut dictam abbaciam, monasterium et cetera premissa, sic, ut prefertur, mentionata fore insimul ultimo preconcessa aut aliquam inde partem vel parcellam cum solutione alicujus duplicis redditus aut cum duplici tenura, de aut pro eisdem

eisdem premissis aut aliqua inde parcella, virtute harum literarum nostrarum patentium aut aliarum literarum patentium quarumcunque; nec quod aliquis alius sive major annualis redditus quam predictus redditus quinquaginta novem librarum et viginti denariorum legalis et currentis monete *Hibernie* per annum per presentes, sic, ut prefertur, reservatus, erit imposterum nobis heredibus vel successoribus nostris, virtute harum literarum nostrarum patentium aut aliquarum aliarum literarum patentium, ut prefertur, debitus sive solvendus pro premissis ultimo recitatis; nec quod aliquod aliud servitium quam servitium predictum pro eisdem premissis, sic, ut prefertur, per presentes reservatum, erit imposterum nobis, heredibus vel successoribus nostris de aut pro eisdem premissis vel eorum aliquo, virtute harum literarum nostrarum patentium vel aliarum literarum patentium quarumcunque debitum, fiendum sive performandum; aliquo in presentibus aut in aliquibus aliis literis patentibus contento in contrarium non obstante; DAMUS eciam ac
 156
 per presentes pro nobis, heredibus et successoribus nostris CONCEDIMUS prefatis majori vicecomitibus et civibus comitatus civitatis *Waterford* predictae et successoribus suis licentiam specialem liberamque et licitam potestatem, facilitatem et auctoritatem HABENDI, PERQUIRENDI, RECIPIENDI et POSSIDENDI sibi et successoribus suis imperpetuum aliqua alia maneria, messuagia, terras, tenementa, prata, pascua pasturas, boscos, rectorias, decimas, reventiones et alia hereditamenta quecunque, infra regnum nostrum *Hibernie*, de nobis, heredibus et successoribus nostris aut de corpore politico et incorporato aut de aliqua alia persona sive aliquibus aliis personis quibuscunque, que de nobis, heredibus vel successoribus nostris non tenentur immediate in CAPITE

nec per *servitium militare*, dummodo eadem maneria, messuagia, terre, tenementa et alia hereditamenta in toto non excedant clarum annum valorem quadraginta librarum currentis monete *Anglie*, ultra omnia onera et reprisalia; statuto de terris et tenementis ad manum mortuam non ponendis, aut aliquo alio statuto, actu, ordinatione vel provisione antehac facta, edita, ordinata sive provisa, aut aliqua alia re, causa vel materia quacunque in contrarium inde in aliquo non obstante; et absque aliquo brevi nostro, heredum vel successorum nostrorum de *ad quod damnum* sive de *inquirendum* de nobis heredibus vel successoribus nostris impetrando; DAMUS ECIAM ac, per presentes, pro nobis, heredibus et successoribus nostris CONCEDIMUS cuicunque subdito nostro et quibuscunque subditis nostris, heredum et successorum nostrorum, licentiam specialem, liberamque et licitam potestatem, facultatem et auctoritatem, quod ipsi seu eorum aliquis vel aliqui, aliqua maneria, messuagia, rectorias, decimas, boscos, terras, tenementa seu alia hereditamenta quecunque, que non tenentur de nobis, heredibus vel successoribus nostris immediate in CAPITE nec per *servitium militare* prefatis majori, vicecomitibus et civibus comitatus civitatis *Waterford* predictæ et successoribus suis, DARE, CONCEDERE, VENDERE, LEGARE, vel ALIENARE licite et impune possint et valeant; ita quod omnia predicta maneria, messuagia, terre, tenementa et alia hereditamenta sic, eisdem majori, vicecomitibus et civibus et successoribus suis, DANDA, CONCEDENDA, ALIENANDA vel leganda in toto non excedant clarum annum redditum seu valorem quadraginta librarum currentis monete *Anglie* ultra omnia onera et reprisalia; statuto de terris et tenementis ad manum mortuam non ponendis aut aliquo alio statuto, actu, ordinatione, vel provisione

provisione antehac facta, edita, ordinata sive
 provisâ aut aliqua alia re, causâ vel materia qua-
 cunque in contrarium inde in aliquo non obstan-
 te; **ET ULTERIUS** volumus ac, per presen- 158
 tes, pro nobis, heredibus et successoribus nostris,
CONCEDIMUS prefatis majori, vicecomitibus et
 civibus comitatus civitatis *Waterford* predictæ et
 successoribus suis, quod he litere nostre patentes
 dictis majori, vicecomitibus et civibus comitatus
 civitatis *Waterford* predictæ et successoribus suis,
 ut prefertur, factæ, ac omnia et singula in eisdem
 specificata et contenta legantur, intelligantur,
 judicentur et determinentur pro parte ipsorum
 majoris, vicecomitum et civium et successorum
 suorum erga nos, heredes et successores nostros,
 prout melius sciri poterint et intelligi; non ob-
 stante aliqua omissione, repugnantia seu contrari-
 etate in eisdem, aut aliquo statuto, actu, ordina-
 tione sive restrictione in contrarium edita; absque
 eo quod aliquis deputatus, gubernator sive locum-
 tenens nostri, heredum vel successorum nostrorum
 terre nostre *Hibernie*, sive aliquis justiciarius sive
 justiciarii, commissionarii, officarii seu ministri
 nostri, heredum vel successorum nostrorum qui-
 cunque de aliquo se impofterum intromittant in
 aliquibus donationibus, franchesiis, jurisdictioni-
 bus, privilegiis, immunitatibus, curiis, liberta-
 tibus sive concessionibus eisdem majori, viceco-
 mitibus et civibus sic, ut prefertur, concessis;
ET ULTERIUS volumus ac per presentes pro 159
 nobis, heredibus et successoribus nostris **CONCE-**
DIMUS prefatis majori, vicecomitibus et civibus
 comitatus civitatis *Waterford* predictæ et successoribus
 suis; ac eciam pro nobis, heredibus et suc-
 cessoribus nostris **PRECIPIMUS** et **MANDAMUS** quod
 nullus locumtenens, justiciarius, officarius vel
 alius minister nostri heredum vel successorum nos-
 trorum in dicto regno *Hibernie*, franchesias, liber-
 tates,

tates, privilegia, jurisdictiones, hereditamenta et cetera premissa predicta, per nos, prefatis majori, vicecomitibus et civibus et successoribus suis per presentes concessa aut mentionata fore concessa, in manus nostras heredum vel successorum nostrorum seisiat vel seisifant aut seisire presumant vel presumat; nec aliquod vel aliqua breve sive brevia, warrantum sive warranta, processum vel processus quodcunque vel quecunque ex curia cancellaria, curia placitorum coram nobis tenendum, curia scaccarii aut aliqua alia curia sive aliquibus aliis curiis nostri, heredum vel successorum nostrorum dicti regni nostri *Hibernie* vel aliter quocunque modo, pro impetitione, calumpnia, captione sive seizura dictarum franchesiarum, libertatum et ceterorum premissorum in manus nostri, heredum vel successorum nostrorum faciant vel faciat, dirigant vel dirigat aut fieri vel dirigi, inquirere vel inquiri causabunt vel causabit ad aliquod tempus imposterum, absque speciali mandato nostro, heredum vel successorum nostrorum sub magno sigillo *Anglie* in ea parte prius dato et habito; et non per aliquam generalem commissionem dictum regnum *Hibernie* concernentem, nisi specialis mentio facta sit de civitate *Waterford* et de comitatu civitatis *Waterford* predictae, libertatibus et precinctibus ejusdem; et non *implicite* nec *argumentative*; ac quod occasione errorum, defectuum sive misprisionum majoris, vicecomitum seu alicujus ministri seu alterius civium ejusdem civitatis, libertates civitatis predictae non seifiantur, sed persone delinquentes *tantum*, secundum eorum merita et quantitatem delictorum suorum puniantur; aliquo statuto, actu, usu, consuetudine aut alia re, causa vel materia in contrarium non obstante; ET ULTERIUS de uberiori gratia nostra speciali ac ex certa scientia et mero motu nostris PARDONAVIMUS, REMISI-

MUS

MUS et RELAXAVIMUS, ac per presentes pro nobis, heredibus et successoribus nostris, PARDONAMUS, REMITTIMUS et RELAXAMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, omnia et singula redditus, exitus, media proficua, feodi firmas, arreragia et denariorum summas a tricesimo die *Octobris* anno regni predicti nuper patris nostri *Anglie, Francie et Hibernie* decimo quinto et *Scotie* quinquagesimo primo, usque ad confectionem presentium, provenientia, crescentia, debita sive solubilia, ac de civitate predicta aut libertatibus ejusdem aut de predictis terris, tenementis et hereditamentis aut ratione, virtute vel pretextu literarum patentium prerecitatarum aut earum aliquarum vel alicujus aut aliquarum aliarum literarum patentium vel chartarum, predecessoribus suis antehac factarum, exeuntia seu solvenda, vel superinde, versus nos, onerata seu oneranda; eo quod nos et prefatus pater noster omnia et singula predicta arreragia, exitus et proficua eorum et ceterorum premissorum, durante toto tempore predicto, HABUIMUS et RECEPIMUS; AC IDCIR- 161
CO VOLUMUS ac per presentes pro nobis, heredibus et successoribus nostris PRECIPIMUS et MANDAMUS tam thesaurario, cancellario, vice-thesaurario et baronibus scaccarii nostri quam omnibus aliis officiariis et ministris nostris, heredum et successorum nostrorum quibuscunque, pro tempore existente; quod ipsi et eorum quilibet super solam demonstrationem harum literarum nostrarum patentium vel irrotulamentum earundem absque aliquo alio brevi seu warranto a nobis, heredibus vel successoribus nostris impetrando seu prosequendo, plenam, integram debitamque allocationem et exonerationem manifestam de et ab omnibus et omnimodis hujusmodi redditibus, exitibus, mediis proficuis, feodi firmis, arreragiis et denariorum summis

summis prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis facient et de tempore in tempus fieri causabunt; et he litere nostre patentes vel irrotulamentum earundem erunt, tam dicto thesaurario, cancellario, vicethesaurario et baronibus scaccarii nostri predicti quam omnibus aliis officiariis et ministris nostris, heredum et successorum nostrorum dicti regni nostri pro tempore existente, *sufficiens warrantum* et *exoneratio* in hac parte; ET ULTERIUS de uberiori gratia nostra speciali ac ex certa scientia et mero motu nostris, VOLUMUS ac per presentes pro nobis, heredibus et successoribus nostris, CONCEDIMUS prefatis majori, vicecomitibus et civibus comitatus civitatis predictæ et successoribus suis, quod he litere nostre patentes vel irrotulamentum earundem erunt in omnibus et per omnia secundum veram intentionem earundem firme, valide, bone, sufficientes et effectuales in lege erga et contra nos heredes et successores nostros tam in omnibus curiis nostris, heredum et successorum nostrorum quam alibi infra regna nostra *Anglie* et *Hibernie* absque aliquibus confirmationibus, licentiis vel tolerationibus de nobis, heredibus vel successoribus nostris quoquo modo imposterum procurandis aut obtinendis;

163 NON OBSTANTE male nominando vel non nominando, male recitando vel non recitando predictam civitatem, abbiem, monasterium, terras, tenementa et hereditamenta et cetera premissa superius per presentes preconcessa, aut mentionata fore concessa vel aliquam inde parcellam; et non obstante non *inveniendo* aut male *inveniend*o officium sive officia aut *inquisitionem* sive *inquisitiones* premissorum aut alicujus inde parcelle, per que titulus noster *inveniri* debuit ante confectio-
nem harum literarum nostrarum patentium; et non obstante aliquo defectu sive aliquibus defectibus

tibus in non recitando aut male recitando aliquam vel aliquas dimissionem vel concessionem, dimissiones vel concessionem de premissis vel de aliqua inde parte vel parcella de recordo vel non de recordo antehac factas; et non obstante male nominando vel non recte nominando aliquam civitatem, burgum, villam, hamlettam, parochiam, locum vel comitatum in quo vel in quibus premissa aut aliqua inde parcella existunt vel existit; et non obstante aliquibus defectibus in male nominando vel non nominando aliquem tenentem, firmarium sive occupatorem premissorum aut alicujus inde parcellae; et non obstante aliqua variatione, discrepantia, vel differentia in aliqua re, materia, nomine sive forma inter has literas nostras patentes et aliquas alias literas patentes de premissis aut de aliqua inde parcella antehac factas, aut inter has literas nostras patentes et aliquod recordum vel recorda, computum vel computos premissa predicta aut aliquam inde parcellam in aliquo tangencia sive concernentia; et non obstante aliquibus defectibus in non mentionando vel non recte aut male mentionando veros annuos valores premissorum aut alicujus inde parcellae aut annualem redditum reservatum de, in et super premissa vel de, in et super aliquam inde parcellam specificatam in aliquibus literis patentibus aut in aliquo particulari supervisione sive computo antehac facto sive impofterum fiendo de premissis aut de eorum aliquo vel aliquibus; et non obstante statuto in parlamento domini HENRICI nuper regis *Anglie* sexti, antecessoris nostri, anno regni sui decimo octavo, facto et edito; et non obstante statuto in parlamento domini HENRICI nuper regis *Anglie* quarti, anno regni sui primo, facto et edito; et non obstante aliquibus aliis defectibus in non nominando aut non recte nominando naturas, genera, species, quantitates aut qualitates

qualitates premissorum aut alicujus inde parcelle
 aut alicujus vel aliquorum qui ante hac fuere vel
 fuit seifitus vel seifiti de premissis aut eorum ali-
 164 quo vel aliquibus; EO QUOD expressa mentio
 de vero valore annuo aut de certitudine premissor-
 um vel eorum alicujus aut de aliis donis five con-
 cessionibus, per nos seu per aliquem progenitorum
 five predecessorum nostrorum, prefatis majori,
 vicecomitibus et civibus comitatus civitatis *Wa-*
terford predicte, ante hec tempora, factis in pre-
 sentibus minime facta existit, aut aliquo statuto,
 actu, ordinatione, provisione, proclamatione
 five restrictione antehac habita, facta, edita,
 ordinata five provisa, aut aliqua alia re, causa vel
 materia quacunque in contrarium inde in aliquo
 165 non obstante; IN CUJUS rei testimonium has
 166 literas nostras fieri fecimus *patentes*; TESTE me
 ipso apud *Westmonasterium* vicesimo sexto die
Maii anno regni nostri secundo.

Per ipsum regem

Wolfeley.

Taxatur finis ad viginta millia marcas





With preceding
THE
GREAT CHARTER
OF THE
LIBERTIES
OF THE
CITY of WATERFORD.

Transcribed and translated into ENGLISH.

WITH
EXPLANATORY NOTES.

HUMBLY INSCRIBED TO
The CORPORATION of that CITY.

By TIMOTHY CUNNINGHAM.



DUBLIN:

Printed by AUGUSTUS LONG, in *Essex-street*, 1752.





THE
Great CHARTER
OF THE
LIBERTIES
OF THE
City of *WATERFORD*.

CHARLES, by the Grace ¹
of God, of *England, Scotland, France, and Ireland*,
king, defender of the faith, &c. to all people,
to whom these letters patent shall come GREET-
ING: WHEREAS JOHN, late king of *England* ²
and lord of *Ireland*, our most noble ancestor, by Recitals,
his letters patent, sealed with his great seal of his
B kingdom

kingdom of *England*, bearing date at *Marlebridge* the third day of *July*, in the seventh year of his reign, HATH GIVEN and GRANTED to the citizens of the city of *Waterford* and their successors, the whole city of *Waterford* with the appurtenances, and the great port of the same, which enters between *Rodybanke* and *Ryndane* to *Garrick* by water, and as far as the pill of *St. Catherine* reaches to the bounds of *Kilbarry*, and from thence to the bounds of *Cloncredane*, and from these bounds to the bounds of *Porisichin*; AND by the same letters patent

3 HATH GIVEN and GRANTED divers liberties, privileges, immunities, exemptions and other things therein contained, to the said citizens and their successors; as by the said letters patent is more

4 fully manifest and apparent; AND WHEREAS likewise *HENRY*, of that name the third, late king of *England* and lord of *Ireland*, by his letters patent sealed with his seal of the kingdom of *England*, bearing date at *Woodstocke* the sixteenth day of *June* in the sixteenth year of his reign, for HIMSELF and HIS HEIRS, HATH GIVEN and GRANTED to the said citizens of the said city of *Waterford* divers other liberties, privileges, and immunities; as by the said letters patent is more fully manifest and

5 apparent; AND WHEREAS *EDWARD*, of that name the third, late king of *England* and lord of *Ireland*, by his letters patent, sealed with the great seal of the kingdom of *England*, bearing date at *Westminster* the fourteenth day of *November* in the thirtieth year of his reign, for HIMSELF and HIS HEIRS, HATH GIVEN, GRANTED and CONFIRMED unto the said citizens of the said city of *Waterford* divers liberties, privileges, immunities, authorities, exemptions and other things in the said letters patent last mentioned contained; as by the said letters patent is more fully manifest

6 and apparent; AND WHEREAS the said *EDWARD*,
of

of that name the third, late king of *England*, by his other letters patent, sealed with his great seal of his kingdom of *England*, bearing date at *Westminster*, the twenty-fourth day of *February* in the thirty eighth year of his reign, for HIMSELF, HIS HEIRS and SUCCESSORS, HATH GIVEN and GRANTED unto the said citizens divers liberties in the said letters patent expressed; as by the said letters patent is manifest and apparent; AND 7
 WHEREAS HENRY, of that name the fifth, late king of *England*, by his letters patent, sealed with his great seal of his kingdom of *England*, bearing date at *Westminster*, the sixth day of *May*, in the first year of his reign, for HIMSELF and HIS HEIRS, HATH GIVEN and GRANTED to the said citizens by the name of MAYOR, BAILIFFS and CITIZENS of the city of *Waterford*, divers other liberties, immunities, exemptions, privileges, powers, authorities and other things therein contained; as by the said letters patent is more fully manifest and apparent; AND WHEREAS the same 8
 HENRY, of that name the fifth, by other his letters patent, sealed with his great seal, bearing date at *Dublin*, the fifteenth day of *January*, in the third year of his reign, HATH GIVEN and GRANTED to the said mayor and commonalty of the said city, their heirs, and successors, the custom in the said city of *Waterford* called the *great new custom* together with his seal to the said custom belonging, for the support of the charges of the said city and their possessions; and other licences in the said letters patent expressed; as by the same is apparent; AND WHEREAS HENRY, 9
 of that name the sixth, late king of *England*, by his letters patent, sealed with his great seal of his kingdom of *England*, bearing date at *Westminster*, the eighth day of *April*, in the twenty sixth year of his reign, for HIMSELF, his HEIRS
 and

and SUCCESSORS HATH GIVEN and GRANTED to the said citizens divers other powers; as by the said letters patent is more fully manifest and apparent; AND WHEREAS EDWARD, of that name the fourth, late king of *England* and lord of *Ireland*, by his letters patent, sealed with his great seal of his kingdom of *England*, bearing date at *Westminster*, the twentieth day of *November*, in the first year of his reign, for HIMSELF his HEIRS and SUCCESSORS, HATH GIVEN and GRANTED to the said citizens, that *that* city, consisting of a mayor, two bailiffs, and citizens should for ever be incorporated in fact and name, by the name of *mayor, bailiffs and citizens* of that city, and that they should have a perpetual succession; and moreover hath given and granted to the said *mayor, bailiffs and citizens* and their successors divers powers, authorities, liberties, privileges, immunities, offices, fines, amerciaments, forfeitures and other things in the said letters patent expressed; as by the said letters patent

10 is more fully manifest and apparent; AND WHEREAS our invincible ancestor HENRY, the seventh of that name, late king of *England*, by his letters patent, sealed with his great seal of his kingdom of *England*, bearing date at *Westminster*, the twelfth day of *May*, in the third year of his reign, HATH GIVEN and GRANTED to the said mayor, bailiffs and citizens and their successors, divers customs, liberties, privileges and other things therein contained; as by the said letters patent

11 is more fully manifest and apparent; AND WHEREAS our late dearly beloved sister ELIZABETH, late queen of *England*, by her letters patent, sealed with her great seal of *England*, bearing date at *Westminster* the eighth day of *February*, in the eleventh year of her reign, for HERSELF and HER HEIRS, HATH GIVEN and GRANTED to

12 the

the said mayor, bailiffs and citizens and their
 successors, divers powers, liberties, privileges,
 jurisdictions and other things therein expressed ;
 as by the said letters patent is more fully manifest
 and apparent ; **AND WHEREAS** the said late 13
 queen **ELIZABETH**, by other her letters patent, sealed
 with her great seal of her kingdom of *England*,
 bearing date at *Norhambury* the sixteenth day of
July in the sixteenth year of her reign, for HER-
 SELF, her HEIRS and SUCCESSORS, HATH GIVEN
 and GRANTED to the said mayor, bailiffs and citi-
 zens, by the name of *mayor, sheriffs, and citizens*
of the county of the city of Waterford, divers other
 liberties, privileges, franchises and other things
 in the said letters patent contained ; as by the
 said letters patent is more fully manifest and ap-
 parent ; **AND WHEREAS** also the said late 14
 queen **ELIZABETH**, by other her letters patent,
 sealed with her great seal of her kingdom of *Eng-*
land, bearing date at *Westminster*, the twelfth day
 of *March*, in the twenty fifth year of her reign,
 for HERSELF, her HEIRS and SUCCESSORS, HATH
 GIVEN and GRANTED unto the said mayor, she-
 riffs and citizens and their successors, divers other
 liberties, franchises and privileges in the same
 expressed ; as by the said letters patent is more
 fully manifest and apparent ; **AND WHEREAS** 15
 our late dearly beloved father king **JAMES**, of
 blessed memory, by his letters patent, sealed
 with his great seal of *Ireland*, bearing date at
Dublin, the tenth day of *July*, of *England, France,*
and Ireland the seventh, and of *Scotland* the forty-
 second year of his reign, HATH GIVEN, GRANTED
 and CONFIRMED unto the said mayor, sheriffs
 and citizens of the county of the city of *Waterford*
 and their successors, divers lands, tenements,
 hereditaments, franchises, liberties, jurisdictions,
 privileges, immunities, freedoms and other things

- in the same contained; as by the said letters patent is more fully manifest and apparent; AND
- 16 WHEREAS the said citizens from the time, whereof the memory of man is not to the contrary, until the fifteenth year of the reign of our said father of *England* had, used and enjoyed divers other privileges, liberties, franchises, immuni-
- 17 ties, freedoms and other hereditaments; AND WHEREAS our said late dearly beloved father afterwards in the fifteenth year of his reign of *England, France, and Ireland*, for certain causes him hereunto moving, the said city and liberties thereof, hath seized into his hands, and the same so seized did remain in the hands of our said father at the time of his death, and do still remain seized in our hands; but the citizens of the said city in a most humble manner have petitioned us, that we would vouchsafe, out of our grace, to readmit and restore them to our royal favour and to their former state; whereby they might be better
- 18 able to serve us, our heirs and successors; KNOW YE that we, graciously countenancing the said petition of our beloved subjects residing in the said city, and recollecting in our mind, that the

Consideration or
Inducement to
grant this
Charter.

said city is an *antient city*, and that the inhabitants and citizens of the said city, from the first foundation thereof, and the reduction of the said kingdom of *Ireland* to the obedience of the kings of *England*, and continually from that time, have been of *civil conversation*, endowed with *good learning and generous manners*, and apt and diligently intent upon the art of merchandizing; and that they are sprung from *English stocks*, and to this day retain *English surnames*; and that this city, in times past, hath been honoured with the personal residence of *Henry*, the second of that name, king of *England*, and *JOHN*, king of *England*, and for their faithful services often happily

happily done the kings of *England* and their crowns, in some old charters granted to them, amongst other things have gained these ensigns of honour amongst other things, that the said city should be called the **UNTOUCHED CITY** and **THE CHAMBER OF THE KING**; observing also, that very many of our progenitors and ancestors, kings and queens of *England*, and amongst and before the rest, our father of blessed memory, have enlarged the said city with very many privileges and immunities; by means whereof the citizens of the said city became more capable and able, not only to obtain and augment their private profits and conditions, but also in the times of peace and war to do and perform a great many very acceptable services to the kings of *England*, as well for the safety and honour of this kingdom of *England* as that of the kingdom of *Ireland*; WE also, reminding, how much the said city is decayed from its antient flourishing condition, and unto what poverty and almost abject condition, the citizens thereof are reduced, and, since the said city was seized into the hands of our said father as aforesaid, being destitute of that government and order in which they formerly flourished, are fallen into contempt of those, they formerly governed and took place of; and considering, that the said city and the said citizens, if by our royal favour restored to their former state and dignity, may be the more enabled both to acquire riches and retrieve their antient reputation, whereby they may be in a condition to serve both us and our crown; and in these times, which threaten war, may be more capable to defend both themselves and our said kingdom of *Ireland* from all hostile or traiterous endeavours and force; WE, with our royal consideration, foreseeing these and many other things,

things, out of our special grace, and certain knowledge and meer motion, WILL, HAVE ORDAINED, GRANTED and APPOINTED, and by these presents, for us, our heirs and successors DO ORDAIN, WILL, GRANT and APPOINT that our city of *Waterford* in our kingdom of *Ireland* for ever hereafter is and shall be a FREE CITY of itself, and that the said city of *Waterford* and the circuit, jurisdictions and precincts thereof for the future be and shall stretch and extend themselves and may be enabled and impowered to extend and stretch themselves, as well in length and breadth, as in circuit and precinct, to such, the same and like bounds, mears and limits, to which and in the same and like manner as the said city of *Waterford* and the circuit and precincts of the same and the jurisdictions and liberties thereof from the time, whereof the memory of man is not to the contrary, or at any time before the date of these presents, used more fully, and largely to extend or stretch themselves before the said seizure and caption thereof into the hands of

22 our said father; AND FURTHER, for the bettering the said city and for divers good considerations us specially moving, of our more abundant grace and certain knowledge and meer motion, WE WILL, and by these presents, for us, our heirs and successors DO ORDAIN, CONSTITUTE and GRANT, that our said city of *Waterford*, and all and singular the houses, edifices, lands, waters and water-courses, soil and ground, situate, lying and being

Liberties
and Pre-
cincts of
the city.

Par. 21. CERTAIN KNOWLEDGE AND MEER MOTION are used in the kings charters and letters patent, to signify that he grants them *of his own will and motion*; the intent of which words, is to bar all exceptions that might be taken to the charter or patent, wherein they are contained, by alledging the king in granting that charter, &c. was abused by false suggestions. *Kitch. 352.*

being within the said city, liberties, circuits and precincts of the same; as also the mount or waste ground near the *Westgate* of the said city over and upon which a fortress is now built; and also all the houses, edifices, land, soil and ground, commonly called or known by the name of *the church* and *chancell* of *Blackfriars* within the walls of the said city of *Waterford*, and a place there lately called *our Lady's Chappel*; as also the great port of the said city, which enters between *Rodybanke* and *Rindoane* to *Carrick* by water and as far as the pill of *St Catherine* reaches to the bounds of *Killbarry*, and from thence to the bounds of *Cloncredane*, and from these bounds to the bounds of *Portfichin*; as also all and singular the towns, villages and hamlets of *Killotheran*, *BallineKelly* and *Killbarry*, in the said kingdom of *Ireland*, and all the lands, tenements and other hereditaments whatsoever with the appurtenances, situate, lying and being in the towns, hamlets, territories or precincts of *Killotheran*, *BallineKelly* and preceptory of *Killbarry* and extending from the river *Siuyre* to the bounds of *Killure*, as also the site, ambit and precinct of the late dissolved abby of *Killkleyhin* together with the *Demesne land* thereof in our county of *Kilkenny* or in the county of the city of *Waterford*, adjacent and abutting on the north side of the county of the city of *Waterford* aforesaid, as also the village and hamlet of *Newtown* otherwise *Lumbardsland*, *Ballytrokle* and *Grange* in the county of *Waterford*, or in the county of the city of *Waterford*, or in one of them, as also the lands, tenements, soil, waters and water-courses, lying and being between the said city of *Waterford* and the said town of *Newtown* otherwise *Lumbardsland*, *Grange* and *Ballytrokle*, containing by estimation forty acres of land, meadow and pasture, and also all the lands, tenements and other hereditaments whatsoever with the appurtenances, situate, lying and being in

C

the

Creation
of the
county of
the city.

23

Holding
the assises
or general
gaol-delivery.

the town, hamlet, territory or precinct of the said abby of *Killkleybin* and the *Demefne land* thereof, and also of and in the town or village of *Newtown* otherwise *Lumbard'sland* and *Ballytrokle* for ever hereafter may be and shall be a county distinct of itself and separated from the said county of *Waterford* and from the county of *Kilkenny*, in our said kingdom of *Ireland*, and from all other counties whatsoever of the said kingdom, and not parcel of the said counties of *Waterford* and *Kilkenny* or of one of them or of any other county whatsoever of the said kingdom, and that by the name of the county of the city of *Waterford* it may for ever be called and named; SAVING always to us, our heirs and successors, as well our composition now established or hereafter to be established, as all other country charges and impositions, with which the premisses, that is to say, *Killkleybin*, *Newtown* otherwise *Lumbard'sland* and *Ballytrokle* were wont or ought to be charged before this our grant; SAVING also to us, our heirs and successors, and our full intent is, that it may and shall be lawful, as well for our, our heirs and successors justices of assise in our county of *Waterford*, as our, our heirs and successors justices of *Gaol-delivery* for the said county of *Waterford* and also for our, our heirs and successors justices appointed and to be appointed to preserve the peace in the said county of *Waterford* and for all and singular sheriffs, escheators and other commissioners, officers and ministers of us, our heirs and successors of the said county of *Waterford* or those employed to do any services for us our heirs or successors in or within the said county of *Waterford* separately and respectively, from time to time for ever hereafter, not only to have and to hold the general assises and general sessions of gaol-delivery, and general sessions of the peace, for the said county of *Waterford* of things and matters in the county of *Waterford* and without the city

city and county of said city of *Waterford* happening; and to erect, raise and build fortresses, gaols, ^{Building a} houses and edifices, necessary for the execution of ^{gaol.}

the said premisses, upon the said mount or waste piece of ground near the *west gate* of said city, over and upon which there is a fortress now built, or in or within the house, edifice, land, soil and ground commonly called or known by the name of the *church* and *chancell* of *Blackfriars* within the walls of the said city of *Waterford*, and the place there called our *Lady's chappell*, but also to have and to hold all other their courts and assemblies for the execution of commissions or other publick affairs of the said county of *Waterford*, happening without the city and county of the said city, or touching or concerning us or any subjects of us, our heirs or successors in the said county of *Waterford* without the county of the said city; any thing in these presents contained to the contrary notwithstanding; AND that the citizens of the city of *Waterford* aforesaid; as also the mayor, 24
sheriffs and citizens of the county of the said city, and all and singular the citizens, inhabitants and residents within the said city, or within the towns, villages, hamlets, territories and precincts aforesaid and their successors, by whatsoever name or names of incorporation they were heretofore incorporated, or whether they have been heretofore incorporated, or not, may be and shall be for ever hereafter, by virtue of these presents, ONE BODY INCORPORATE and POLITICK in fact, matter and ^{Incorporating the} name, ^{city.}

C 2

Par. 24. A BODY CORPORATE OR CORPORATION, is defined to be an assembly and a joining together of many persons into one brotherhood and fellowship, whereof one is chief or head, and the rest are the body; and this head and body joined together make the corporation: It being also constituted of several members, like the natural body, and framed by fiction of law to continue in perpetual succession. Some corporations are *sole*,

name, by the name of *mayor, sheriffs and citizens of the county of the city of Waterford* in the kingdom of *Ireland*, and by these presents we DO *really and fully*, in matter, fact and name for us, our heirs and successors ERECT, MAKE, ORDAIN, APPOINT, CREATE, CONFIRM, RATIFY and DECLARE them to be A BODY CORPORATE and POLITICK by the name of *mayor, sheriffs, and citizens of the county of the city of Waterford* in the kingdom of *Ireland* and that, by that name

25 they may have *perpetual succession*; AND that they, by the name of *mayor, sheriffs, and citizens*, of the county of the said city are and shall be for ever hereafter *personable* and in the law capable

Power to purchase, &c. TO HAVE, TAKE, ACQUIRE, RECEIVE, POSSESS, ENJOY and HOLD manors, lands, tenements, liberties, privileges, jurisdictions, franchises and other hereditaments whatsoever, of what kind, nature or species soever they shall be, to them and their successors in FEE and FOR EVER and for any terms whatsoever; as also all goods and chattles

sole, and some *aggregate*; *Sole*, in case of one single person, as the king, a bishop, dean, &c. *Aggregate*, which is most usual, consists of divers persons, as *mayor and commonalty, mayor and bailiffs, mayor, sheriffs and citizens, dean and chapter, &c.* These corporations are likewise *spiritual or temporal*: *Spiritual*, of bishops, deans, archdeacons, parsons, vicars, &c. *Temporal*, as mayor, commonalty, bailiffs, and burgesses, &c. And some *corporations* are of a *mixed nature*, composed of both spiritual and temporal persons, such as the heads of colleges, hospitals, &c. *Corporations* may be established by patent or charter, by act of parliament or by prescription: When they are duly created, all incidents, as to purchase, grant, sue and be sued, &c. are tacitly annexed to them; and they have generally the franchises of felons goods, courts and cognisance of pleas, fairs, markets, assize of bread, &c.

Par. 25. PERSONABLE, signifies as much as that a person is enabled to maintain a plea in court; especially in the case of an alien, who may be made *personable* by act of parliament, &c. It is likewise said to be a capacity to take any thing granted.

chattles and all other things of what kind, name, nature, quality or species soever they are, or shall be, as also to GIVE, GRANT, DEMISE, and ^{Power to demise, &c.} ASSIGN lands, tenements and other hereditaments, goods and chattles and to do and perform all and singular other facts and things by the said name; AND that by the same name of *mayor*, ²⁶ *sheriffs*, and *citizens of the county of the city of Waterford* in the kingdom of *Ireland*, they may be able and qualified to *implead* and be *impleaded*, to ^{Power to sue and be sued.} *answer* and be *answered*, to *defend* and be *defended* in any courts, and places whatsoever, and before any judges and justices and other ministers and officers whatsoever of us, our heirs and successors in all pleas, complaints, suits, causes, matters and demands whatsoever, *real*, *personal* and *mixt*, as well spiritual as temporal of what kind, name, nature or species soever they be, in the same manner and form as any other our liege people, who are PERSONABLE and in law capable, or any other body corporate and politick within the ^{As great power as any corporation in England or Ireland.} kingdoms of *England* or *Ireland* may be enabled and qualified to HAVE, ACQUIRE, RECEIVE, POSSESS, ENJOY, RETAIN, GIVE, GRANT, DEMISE, ALIEN, ASSIGN and DISPOSE, SUE and be SUED,

Par. 26. REAL, &c. Action is a right of demanding and pursuing in a court of judicature what is any man's due. Actions are divided into two general kinds; *real*, or those against the thing; and *personal*, or those against the person. In common law from the two classes of *real* and *personal* actions, arises a third called a *mixed* action, which regards both the person and thing. *Real* action is that whereby the plaintiff claims title to lands or tenements, rents or commons in fee-simple, fee-tail, or for life. *Personal* action is that which one man hath against another on account of a contract for money or goods; or of an offence done by him or some other person for whose fact he is answerable. *Mixt* action is that laid indifferently for the thing detained or against the person of the detainer.

27 SUED, ANSWER and be ANSWERED, DEFEND and
 be DEFENDED, to DO, PERMIT OR EXECUTE;
 Common 27 AND that the said *mayor*, *sheriffs*, and *citizens* of
 seal. the county of the said city and their successors
 may for ever have a common seal to serve for
 27 transacting all causes and business whatsoever of
 them and their successors; AND that it may and
 shall be lawful for the said *mayor*, *sheriffs*, and *ci-*
tizens of the county of the said city and their
 successors from time to time, at their will and
 pleasure, to break, change and renew that seal,
 as to them shall seem better and more expedient;
 28. AND FURTHER, out of the intimate love,
 29 which we have for our faithful subjects; AND out
 of our more abundant special grace, certain
 knowlege and meer motion, as also by advice of
 our council of our kingdom of *England* we DO
 RESTORE, GRANT and CONFIRM to the said
mayor, *sheriffs*, and *citizens* of the county of the
 said city and their successors, and to every *citizen* of
 the said city, the said city of *Waterford*, and all
 and all manner of liberties, franchises, immunities,
 Restitu- exemptions, privileges, acquittances, jurisdic-
 tion of tions, waste tenements, waste grounds, commons
 liberties, and hereditaments whatsoever, which the *mayor*,
 lands, &c. *sheriffs*, and *citizens* of the county of the said city, or
 every *citizen* of the said city NOW HAVE, HOLD,
 USE, and ENJOY, or ought to HAVE, HOLD, USE,
 and ENJOY, or which they, or their predecessors,
 by the name of the *citizens* of the said city or by
 the name of *provost*, *bailiffs*, and *citizens*, or by the
 name of *mayor* and *bailiffs* of the said city, or by
 the name of *mayor*, *bailiffs*, and *citizens* of the
 said city, or by the name of *mayor* and *commonalty*
 the said city, or by any other name or names
 whatsoever, or by any incorporation or incorpora-
 tions whatsoever, or under pretence of any incor-
 poration whatsoever, heretofore HAD, USED OR EN-
 JOYED,

JOYED, or ought to HAVE, HOLD, USE, or ENJOY, by reason or under pretence of the said letters patent above recited or mentioned or any of them or of any other charters or letters patent by any one or more of our progenitors or ancestors, kings or queens of *England*, before this time, MADE, GRANTED OR CONFIRMED, or by reason of any act of parliament or acts of parliament, or by any other way, right or title, custom, use or prescription before this time lawfully used, had, or accustomed; AND WE WILL, 30
by these presents, that they and every of them, as members of the said city, USE and ENJOY all and singular the premisses, altho' the same or any or some of them was or were not heretofore used or ill-used or abused, or was or were discontinued, and although the same or any or some of them are or were forfeited, lost or taken or seized into our hands, or into the hands of our said father, or any of our progenitors; and that the *mayor*, *sheriffs*, and *citizens* of the said city and their successors, or any one or more of them, may, by reason or under pretence of said caption and seizure of the liberties of the said city into the hands of our said father or into our hands, in no wise be disturbed, troubled or brought in question; and that all ambiguity and exception of right in this our royal restitution may be taken away; for that the antient liberties, privileges, jurisdictions, letters patent and grants of our progenitors, kings and queens of *England*, and the seizure of the said liberties, are generally recited; and that our favourable intention may the more appear, we WILL, and by these presents DECLARE all and singular in the before recited letters patent contained or mentioned, to be of the same force, strength, and effect, as if they all word by word had been specified and particularly
recited

31
Haben-
dum.

recited in these our letters patent, and that they be so adjudged, interpreted and allowed to the said citizens in all courts of us, our heirs and successors, without any further warrant from us, our heirs and successors in this behalf to be obtained or procured; TO HAVE, HOLD and ENJOY to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city and their successors for ever; AND we further WILL, and by these presents for us, our heirs and successors GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city and their successors that all and singular the inhabitants, tenants and other residents whatsoever within the said city, towns, villages, hamlets, territories and precincts above-mention'd to be of the county of the said city for ever are, shall be, continue and remain under the laws, ordinances and constitutions of the said city and under the government and direction of the *mayor*, *sheriffs* and *citizens* of the county of the said city in such and like manner and form, to all intents and purposes, as the inhabitants, tenants and residents of the county of the said city ever heretofore were or for the future ought to be; any law, proclamation or restriction in our said kingdom of *Ireland* made, enacted or provided to the contrary notwithstanding; AND because, for the reasons aforesaid, there is no mayor at present legally elected and preferred of or in the said city, nor any sheriffs or other officers, to whose care and government we may commit the rule of the said city, and lest, by the occasion aforesaid, it may hereafter be made a doubt, if by virtue of the said recited letters patent or any of them, they now can elect and appoint a *mayor*, *sheriffs* and other officers, and lest by chance the said letters patent should be insufficient or void in law, or that any error or defect should

should happen in any of the premisses, all which for the common and publick advantage of the said city and citizens and inhabitants thereof, we DO INTEND not only to restore and establish *entirely* and *fully*, but also VOUCHSAFE to grant the same anew; KNOW YE further that we, for us, our heirs and successors, DO GRANT and ORDAIN, that for the future for ever, there may and shall be one of the most honest and discreet citizens of the said city, to be elected in the manner and form herein after in these presents mentioned; who shall be and shall be named MAYOR of the said city; and that likewise there may and shall be in the said city two honest and discreet citizens of the said city, to be elected also in form hereafter mentioned, who may be, shall be and shall be called SHERIFFS of the county of the said city; AND we DO also WILL, GRANT and ORDAIN for us, our heirs and successors, that from time to time, for ever hereafter, there may be and shall be in the said city eighteen discreet men to be elected in form herein after in these presents mentioned, who may be, shall be, and shall be called ALDERMEN of the said city and that likewise there may and shall be within the said city nineteen other discreet men to be elected in form in these presents likewise hereafter mentioned, who may be, shall be, and shall be called ASSISTANTS of the said city; AND FURTHER we WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the said city and their successors, that the *sheriffs*, *aldermen* and *assistants* of the said city for the time being may be, and shall be and for ever in future times shall be called the COMMON COUNCIL of the said city, and from time to time shall be aiding and assisting to the mayor, for the time being, of the said city in and for all things, matters, causes and businesses of the said city,

34

Creation
of a
mayor.Creation
of two
sheriffs.

35

Creation
of eigh-
teen al-
dermen.Creation
of nine-
teen assist-
ants.

36

or touching or concerning the good government, state and rule of the same or of the county of the said city; AND FURTHER we
 37 WILL and by these presents for us, our heirs and successors GRANT to the said *mayor, sheriffs* and *citizens* of the county of the said city and their successors, that the *mayor, aldermen, sheriffs* and *assistants* of the said city for the time being, or the greater part of them (of which WE WILL the mayor of the same city for the time being to be one,) upon publick summons thereof to be made to this purpose, being assembled in the common hall or in any other convenient place within the said city may and shall have full power and authority to FRAME, CONSTITUTE, ORDAIN and MAKE from time to time any laws, statutes, constitutions, decrees and reasonable ordinances in writing whatsoever, which to them or the greater part of them (of which WE WILL, that the said mayor of the said city for the time being be one) according to their sound discretions shall seem good, wholesome, profitable, honest and necessary for the good rule and government of the city and county of the said city, and of all and singular officers, ministers, artificers, inhabitants and residents whatsoever, for the time being, within the city or county of the said city; and for a declaration after what manner or order the said *mayor, sheriffs aldermen, assistants*, and all and singular officers, ministers, artificers, inhabitants, and residents of the said city and county of the said city, for the time being, shall govern, behave and use themselves in their said offices, ministries, functions, arts and businesses within the city and county of the said city, the liberties and precincts thereof for the further publick good, common benefit and good rule and government of the city and county of the said city and

Power to
make new
laws for
the better
govern-
ment of
the city
and coun-
ty there-
of.

and victualing thereof, and all other matters and causes whatsoever touching or in any wise concerning the said city or county of the said city; AND ³⁸ that the said *mayor, sheriffs, aldermen* and *assistants* of the said city, for the time being, or the greater part of them (of which WE WILL the mayor to be always one) as often as they have framed, made, ordained, and established in the form aforesaid, such laws, institutions, decrees, ordinances, and constitutions, may be able to impose and inflict such and like pains, punishments and penalties by corporal imprisonment, or by fines and amerciaments, or by both of them, on and upon all persons trespassing and offending against all such laws, decrees, institutions, ordinances and constitutions, or any of them, as to the said mayor, sheriffs, aldermen and assistants of the said city, for the time being, or to the greater part of them (of which WE WILL the mayor to be one) shall seem proper, fit, requisite, and necessary, to make, ordain, limit, and provide, for the observance of the same laws, institutions, decrees, ordinances, and constitutions, and may have power to levy and have the said fines and amerciaments by distress or any other lawful way whatsoever, and put themselves in possession thereof, by themselves, or their ministers,

Power to punish for breaking their laws.

Power to levy fines, &c. by distress or otherwise without accounting for the same.

D 2

Par. 38. AMERCIAMENT OR AMERCEMENT is the pecuniary punishment of an offender against the king, or other lord in his court, that is found to have offended, and therefore to stand at the *mercy* of the king or lord. The statute of *magna charta* ordains, that a Freeman is not to be *amerced* for a small fault, but in proportion to the offence, and that by his peers or equals. 9 H. 3. c. 4. *Amerciaments* differ from fines,* which are punishments certain, that grow expressly from some statute; but *amerciaments* are such as are arbitrarily imposed; and being a more merciful penalty than a fine, if they be too grievous, a release may be sued by the ancient writ called *moderata misericordia*, *Kitch.* 78. 214.

nisters, or deputies, in support of the charges of the said city, without any hindrance, impeachment, or contradiction of us, our heirs or successors, or of the deputy or lieutenant of us, our heirs or successors, or of any of the officers or ministers of us, our heirs or successors, in *Ireland* whatsoever, and without giving any manner of account to us, our heirs or successors, or to any officers or ministers of us, our heirs or successors, in *Ireland* aforesaid; all and singular which laws, ordinances, institutions, constitutions, decrees, acts and statutes to be made, as aforesaid, WE WILL may be observed, under the penalties contained in the same; so that such laws, institutions, ordinances, constitutions, imprisonments, fines and amerciaments be reasonable and not repugnant nor contrary to the laws, statutes, customs, and rights of our kingdom of *Ireland*;

39 AND for the better execution of our will and grant in this behalf, WE HAVE ASSIGNED, NAMED, CREATED, APPOINTED, and MADE, and, by these presents, for us, our heirs and successors, DO ASSIGN, NAME, CREATE, APPOINT, and MAKE, our beloved *James Woodlocke*, citizen of the said city, to be the first and modern MAYOR of the said city, WILLING that the said *James Woodlocke* shall be and continue in the office of mayor of the said city from the making of these presents until the feast of *St. Michael* the archangel, which will be in the year of our lord one thousand six hundred and twenty seven; and from thence until another shall be *duely* elected, set up and sworn into that office, according to the ordinances and provisions herein after in these presents expressed and declared; if the said *James Woodlocke* shall so long live; AND WE

40 also HAVE ASSIGNED, NAMED, APPOINTED, and MADE,

James
Woodlocke
first
mayor.

MADE, and by these presents for us, our heirs and successors DO ASSIGN, NAME, APPOINT and MAKE our beloved *Robert Leonard* and *Mathew Robert Graunte* to be the first and modern *sheriffs* of the ^{*Leonard*} said city; to be continued in the office of *sheriffs* of ^{and *Mat-*} the county of the said city from the date of these ^{*Grantue*} presents until the said feast of St. *Michael* the ^{first she-} archangel, which will be in the said year one ^{riffs.} thousand six hundred and twenty seven, and from thence until two others shall be *duely* elected, set up and sworn into the said office, according to the ordinances and provisions herein after in these presents declared; if the said *Robert Leonard* and *Matthew Graunte* shall so long live; AND WE also HAVE ASSIGNED, NAMED, CON- 41
STITUTED and MADE, and, by these presents, for us, our heirs and successors, DO ASSIGN, NAME, CONSTITUTE, and MAKE our beloved *Richard* First eigh-
Aylward, knight, *Peter Aylward*, knight, *John Sher-* teen alder-
lock, esq; *William Dobyn*, esq; *Richard Wadding*, men.
esq; *Robert Wyse*, esq; *Richard Straunge*, esq;
James Walsh, esq; *Thomas Sherlock*, esq; *Richard*
Butler, esq; *Alexander Leonard*, merchant, *John*
Skiddy, merchant, *Alexander Cusse*, merchant,
Nicholas Wyse, gent. *Jasper Woodlock*, merchant,
William Lincoll, merchant, *James White*, gent.
and *Robert Lumbard*, gent. to be the first and modern eighteen ALDERMEN of the said city; to be continued in the said office of *aldermen* of the said city, during their natural lives; unless in the mean time for bad government in that behalf or for any other reasonable cause they or any of them shall be removed from that office, degree or state; WE also HAVE ASSIGNED, NAMED, 42
APPOINTED, and MADE, and by these presents for us, our heirs and successors, DO ASSIGN, NAME, APPOINT, and MAKE our beloved subjects First nine-
Patrick Meiler, *John Morgan*, *James Walsh* teen assist-
Fitz ants.

Fitz Martin, Patrick White, James Lumbard, Paul Sherlocke, Bartholemew Lincoll, John Levett, Thomas Walsh, William Cleere, Gerrot Geraldine, Nicholas Brown, Thomas Mayne, William Lincolne Fitz Robert, Robert Lincoll, Thomas White, Nicholas Maddan, John Porter, and John Faggan to be the first and modern nineteen ASSISTANTS of the said city; to be continued, in the office of assistants of the said city, during their natural lives, unless in the mean time, for bad government or bad behaviour in that behalf, or for any other reasonable cause, they, or any one or more of them shall be removed from that office or place; AND FURTHER WE WILL and by these presents for us, our heirs and successors, DO GRANT unto the said *mayor, sheriffs, and citizens*, of the county of the said city and their successors, that the *mayor* and *common council* of the said city, for the time being, or the greater part of them, from time to time for ever hereafter, may and shall have power and authority yearly and every year on the *Monday* next

43

Election of
mayor.

Par. 43. ON THE MONDAY NEXT, &c. This is now altered by the NEW RULES, which are here inserted at length.

By the Lord Lieutenant and Council,

Rules, orders and directions made and establish'd by us the lord lieutenant and council, for the better regulating the several cities, walled towns and corporations of *Cork, Waterford, King-sale, Youghall, Cashell, Clonmell, Athlone, Londonderry, Carrigfergus, Colerain, Strabane, Charlemont, Tryn, Dundalk, Kilkenny, Wexford* and *Ross* in the county of *Wexford*, and the electing of magistrates and officers there.

ESSEX.

WHEREAS in and by one act of parliament, lately made in this kingdom, entituled, an act for the explaining of some doubts arising upon an act, entituled, an act for the better execution of his majesty's gracious declaration for the settlement of his

next after the feast of the visitation of the blessed virgin *Mary* in the said year of our lord one thousand six hundred and twenty seven, to congregate and assemble themselves, or the greater part of them, in the common hall of the said city, or in any other convenient place within the said city

his kingdom of *Ireland*, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there; and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of the said kingdom.

IT is amongst other things therein contained, enacted, That it shall and may be lawful to, and for the lord lieutenant, or other chief governour or governours and council of *Ireland*, for the time being, from time to time, and at all times to come, during the space of seven years, to be accompted from the nine and twentieth day of *September*, one thousand six hundred and sixty five, to make and establish such rules, orders and directions, for the better regulating of all cities, walled towns and corporations, both new and old, and such as shall be created within this kingdom, and the electing of magistrates and officers there, and to inflict such penalties for the breach thereof, as they in their wisdoms shall think fit; so as the penalties for breach of the rules, orders and directions to be made, touching such corporations do not extend farther than to the removal and disfranchisement of such persons, as shall be found guilty of the breach thereof: And such rules, orders and directions, so to be made as aforesaid, shall be as good and effectual in law, to all intents and purposes, as if the same had been specially and particularly established by authority of this present parliament, and shall remain, continue, and abide in force, for such and so long time, as in the said rules, orders and directions shall be limited and appointed; any thing in the said act, or otherwise to the contrary thereof in any wise notwithstanding.

WE the lord lieutenant and council, in pursuance of the said act, and the authority thereby given unto us, have thought fit to make and establish; and we do hereby make and establish the rules, orders and directions hereafter mentioned, for the better regulating of the aforesaid several cities, walled-towns and corporations, and the electing of magistrates and officers there.

First, That upon all elections to be hereafter made, after the last day of *December* next, of any person or persons to serve in any of the offices of chief magistrate or magistrates, recorder, sheriffs,

city to be limited and appointed, according to their discretions, and there to continue, until they, or the greater part of them, then and there assembled, shall then name and choose one of the aldermen of the said city to be MAYOR of the said
 44 city; AND that, then and there, they may be able

sheriffs, or town-clerk of any of the said several cities, walled-towns or corporations; the names of the persons so elected to serve in the said several offices, shall be by the said corporations, forthwith after such election, presented to the lord lieutenant, or other chief governour or governours, and the privy council of this kingdom to be approved of by them, and the said persons so elected for any the said offices, shall be for ever hereafter incapable of serving in the said several offices, or any of them, until they shall be respectively approved of by the lord lieutenant, or other chief governour or governours and the privy council of this kingdom by order under their hands; and in case the persons, or any of them, whose names shall be so presented to the lord lieutenant, or other chief governour or governours and council of this kingdom, shall not be so approved of within ten days after their names shall be so presented, then and in such case the said corporations shall from time to time proceed to a new election of fit persons for the said respective offices, for which, the persons so presented shall not be so approved of, and shall in like manner present their names to the said lord lieutenant or other chief governour or governours, and privy council of this kingdom, until they shall have chosen such persons for the said respective offices, as shall be so approved of as aforesaid.

And that all such of the said officers that are annually chosen, who by the charters of the said respective cities, walled-towns or corporations, or any of them, have not been usually elected three months before the day whereon they are to enter upon the execution of their said respective offices, shall for ever hereafter be elected for the said respective offices on that day three months, which shall precede the day whereon they are to enter upon the execution of the said respective offices, unless the said day shall happen on a Sunday, and then the said election to be on the day following (the said three months to be accounted kalendar months) to the end that there may be sufficient time between such their election, and their entring upon the execution of their said respective offices, for the obtaining of the approbation of the lord lieutenant and council, or other chief governour or governours and council of this kingdom, and for the making of
 new

able and have power, before they go from thence, to name and choose one of the aldermen of the said city, who shall be *mayor* of the said city, and that he, after being so named and elected *MAYOR* of the said city, before he be admitted to execute that office, shall take his corporal oath on the

E

holy

new elections in the places of such who shall not be so approved of.

Provided always, that this rule shall not extend to the election of any persons in any of the said cities, walled-towns or corporations, who shall be chosen in the place of any such of the said offices that are annually chosen, who shall die within the year of their execution of the said respective offices, or within one month before they are to enter upon the execution thereof.

Secondly, That no person or persons, that shall hereafter be elected, either mayor, bayliff, sovereign, portreef, burgomaster, recorder, sheriffs, treasurer, aldermen, town-clerk, burgeses, or one of the common-council, or any magistrate, or such or the like officer within the said several cities, walled-towns or corporations, or master, or wardens of any corporation, guild or fraternity within the said several cities, walled-towns and corporations, shall be capable of holding, enjoying or executing any the said offices, places or employments, until he or they shall have taken the oath of supremacy, established by act of parliament 2do *Elizabethæ* in this kingdom, and the oath of allegiance, besides the oaths usually taken upon the admission of any person into the said respective offices, places or employments. And also this ensuing oath, *viz.*

I *A. B.* do declare and believe, that it is not lawful upon any This oath pretence whatsoever, to take arms against the KING; and taken that I do abhor that traitorous position of taking arms by his away by 5 authority against his person, or against those that are commissioned *Geo. I. c. 3.* by him.

So help me GOD.

The said oaths to be taken, before such person or persons as shall admit them to the said several offices, places and employments (who are hereby impowered, authorised and required to administer to them the said oaths) and upon any such person or persons refusal to take the said oaths, the election of any such person or persons into any of the said offices, places or employments is hereby declared to be absolutely null and void (such persons only excepted, with whose taking the said oath of supremacy, the lord lieutenant, or other chief governour or governours

Swearing holy evangelists, yearly on the feast of St. *Michael*
 the mayor the archangel then next ensuing the day of election
 before before the last *mayor*, his predecessor, or in his ab-
 the last sence before such of the aldermen and assistants
 mayor, or of the said city, who shall be then present in the
 before the said common hall, or in any other convenient
 the aldermen place
 and assist-
 ents.

nours of this kingdom for the time being, for some particular reasons shall think fit, by writing under his or their hand, by name to dispence.)

Thirdly, That all foreigners, strangers and aliens, as well others as protestants, who are or shall be merchants, traders, artizans, artificers, seamen, or otherwise skilled and exercised in any mystery, craft, or trade, or in the working or making any manufacture or in the art of navigation, who are at present residing and inhabiting within this kingdom, or who shall at any time hereafter come into the said several cities, walled-towns or corporations, with intent and resolution there to inhabit, reside and dwell, shall upon his or their reasonable suit or request made, and upon payment down, or tender of twenty shillings by way of fine, unto the chief magistrate or magistrates and common-council, or other persons authorized to admit and make freemen of such of the said several cities, walled-towns or corporations, where he or they do intend to inhabit, reside or dwell, be admitted a freeman of any of the said several cities, walled-towns or corporations; And if he or they shall desire it, of all or any guild, brotherhood, society or fellowship of any trade, craft or other mystery within any of the said several cities, walled-towns or corporations, during his or their residence for the most part, and his and their families constant inhabiting within the said several cities, walled-towns or corporations, and no longer, and shall have, exercise and enjoy all privileges and immunities of trading, buying, working and selling, in as large and ample manner as any freeman of any the said several cities, walled-towns or corporations might have, exercise or enjoy by vertue of his or their freedom: and that every such person or persons, who shall be admitted to be free as aforesaid, shall from thenceforth be deemed, esteemed, and taken, and be denizen and denizens within this kingdom, any law, statute, charter, usage, or custom of this kingdom, or of any of the said several cities, walled-towns or corporations, to the contrary in any wise notwithstanding. Provided always, that all such strangers, artificers and others, to be admitted freemen as aforesaid, shall take the oath of allegiance to our sovereign lord the king, his heirs and successors, and also such other oaths as are accustomedly

place within the said city, to be appointed according to their discretions, *rightly* and *faithfully* to execute the said office in all and through all things touching the said office ; and that he may be able and have power, after such oath taken, as aforesaid, to execute the office of *mayor* of the said

E 2

city

bly taken by all or any freeman or members of the said several cities, walled-towns or corporations, or by any the members of any such guild or brotherhood, society or fellowship of the trade, craft or other mystery, which he or they shall occupy, or exercise, in case he or they shall desire to be incorporated into any such guild, brotherhood, society or fellowship aforesaid, and shall pay all such and like charges, as all freemen his majesty's subjects of the like trade, craft or mystery, shall or do use to pay, and no other or more ; and that if any chief magistrate or magistrates, or other persons authorized as aforesaid, of any the said several cities, walled-towns or corporations ; or any master, warden, or other governour of any brotherhood, society, or fellowship ; or any trade, craft, or mystery within the said several cities, walled-towns or corporations, shall refuse to admit any such stranger, being a merchant, trader, artificer, artizan, workman or seaman, residing or coming into this kingdom with intent as aforesaid, to be a freeman of any the said several cities, walled-towns or corporations, where he or they intend to inhabit, reside or dwell, or to be a brother or member of any brotherhood, society, or fellowship within them or any of them ; every such chief magistrate or magistrates, master, warden, or other governours respectively, shall upon complaint and due proof made, of such refusal, before the lord lieutenant or other chief governour or governours, and council of this kingdom, be by their order disfranchised, and from thenceforth incapable (without their licence) of being a freeman or member of any such city, town or corporation ; and every such stranger being a merchant, trader, artificer, artizan, workman or seaman, upon tender by him made of twenty shillings, by way of fine as aforesaid, and taking the oath of allegiance before any justice of the peace of the county next adjacent to such city, town or corporation, or wherein such city, town or corporation is scituated (who is hereby authorized and appointed to administer the said oath) shall thereupon by vertue hereof be deemed, reputed, and taken to all intents and purposes to be a freeman or member of the said city, town, corporation, brotherhood, society, or fellowship of any trade, craft or mystery, where he or they shall inhabit, reside or dwell, and be deny'd admission

as

city for one whole year, that is to say, to the feast of *St. Michael* the archangel from thence next ensuing; and *further* until another of the aldermen of the said city, for the time being, shall in *due manner* and *form* be elected and sworn into the office of *mayor* of the said city, according

as aforesaid, and thenceforth, have, exercise and enjoy the liberty and privilege of trading, working, buying or selling of any commodities whatsoever, in as large and ample manner, as if he had been admitted a freeman of such city, town or corporation, a brother or member of such brotherhood, society or fellowship of any trade, craft or mystery within the same, taking the usual oaths of such freemen, brothers or members; which oaths any one justice of peace near adjoining, shall have power to administer, and paying all such charges as aforesaid, any law, custom, charter or usage to the contrary, in any wise notwithstanding. And in case any person or persons shall give any interruption or disturbance to any such stranger, being a merchant, trader, artificer, artizan, workman or seaman as aforesaid, to the hindring him in his trading, working, buying or selling as aforesaid, contrary to the intent and meaning hereof; all and every such person and persons so offending, shall upon like complaint and proof made of his or their offence therein, before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchised, and from thenceforth incapable without their license, of being made a freeman or member of any of the said several cities, walled towns or corporations.

And these our rules, orders and directions, we do hereby order and establish for ever hereafter, to continue in force in all the aforesaid several cities, walled towns and corporations of *Cork, Waterford, Kingsale, Youghall, Cashell, Glonmell, Athlone, Londonderry, Garickfergus, Colerain, Strabane, Charlemont, Trym, Dundalk, Kilkenny, Wexford* and *Ros*.

And that the same be forthwith inrolled in the rolls of his majesty's high court of *chancery* in this kingdom.

Given at the council chamber in *Dublin*, the three and twentieth day of *September*, 1672.

Ja. Armacanus, Mich. Dublin, Canc. Drogheda, Arran, Conway & Kilulta, Massareene, Hen. Midenfis, Fran. Aungier, Art. Forbese, Jo. Byffe, Rob. Byron, Will. Steward, H. Ingoldesby, Theo. Jones, Char. Meredyth.

God save the King.

ing to the ordinances and constitutions above in these presents declared; WE also WILL, and by 45 these presents for us, our heirs and successors, GRANT to the said *mayor, sheriffs, and citizens* of Election of the county of the said city and their successors, that *sheriffs.* the *mayor* and *common council* of the said city, for the time being, or the greater part of them, from time to time, for ever hereafter, may and shall have power and authority yearly and every year on the next *Monday* after the visitation of the blessed virgin *Mary*, in the said year of our lord one thousand six hundred and twenty seven, to congregate and assemble themselves, or the greater part of them, in their said common hall of the said city, or in any other convenient place within the said city, as aforesaid; and there to continue until they, or the greater part of them, there assembled, shall name and choose two of the assistants of the said city to be *sheriffs* of the county of the said city; AND that, then and there, they 46 may be able and qualified, before they depart from thence, to name and choose two of the assistants of the said city, for the time being, who shall be *sheriffs* of the county of the said city, and that, after they have been so named and elected, as aforesaid, into the office of *sheriffs* of the county of the said city, they and each of them shall, before they or any of them are or is admitted to execute the office of *sheriffs* of the county of the said city, take a corporal oath on the holy evangelists yearly on the feast of St. *Michael* the archangel, then next following the said day of election, if they or either of them be there present, and if they or either of them be absent, within a convenient and reasonable time then next following the said day or feast of St. *Michael* the archangel, before the *mayor* of the said city for the time being, or in his absence before

Sheriffs to be sworn on Michaelmas day, or in any reasonable time after, before the mayor or aldermen and assistants.
 such

such of the aldermen and assistants of the said city, who *will* be then present in the common hall or in any other convenient place, as aforesaid, *rightly* and *faithfully* to execute the office of *sheriffs* of the said city in all and through all things touching that office, and that, after taking such oath, they and each of them may be able and qualified to execute the office of *sheriffs* of the county of the said city for one whole year, that is to say, to the feast of St. *Michael* the archangel then next ensuing; and further, until one or more of the assistants of the said city, shall *in due manner* and *form* be respectively chosen and sworn into the office of *sheriff* or *sheriffs* of the county of the said city, according to the ordinances and constitutions above in these presents declared; AND FURTHER we WILL, and by

47 these presents for us, our heirs and successors, DO GRANT to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city and their successors, that if at any time hereafter it shall happen that the *mayor* of the said city for the time being dies within one year after he is set up and sworn *mayor* of the said city, as aforesaid, or is removed or departs from his office (which said *mayor*, not beheaving himself well in his said office, or for any reasonable cause WE WILL may be removeable and removed *at the discretion* and *pleasure* of the *sheriffs*, *aldermen* and *assistants* of the said city for the time being, or the greater part of them;) that then and so often, it may and shall be lawful for the said *sheriffs*, *aldermen* and *assistants* of the said city, for the time being, within a convenient and reasonable time immediately after the death, removal or departure of the *mayor*, to assemble themselves or the greater part of them in the common hall, or in any other convenient place within the said city, and there to

name,

Power to
remove
the mayor
and choose
another in
case of
misbehaviour.

name, elect and set up one *honest* and *fit* man of the said *aldermen*, as and for a *mayor* of the said city in the place of the *mayor* so dead or removed, or departing from his office; AND that the person thus elected and set up in the *mayoralty-office*, having first taken his corporal oath in the form aforesaid, may have and exercise that office, during the residue of the said year, and from thence, until another of the *aldermen* of the said city, shall be *duely* elected and sworn into that office; and so as often as the case shall so happen; AND if it shall happen that the *sheriffs* of the county of the said city for the time being or one of them dies, is removed, or departs from his office within one year, after he or they are preferred and sworn into the office of *sheriffs* of the county of the said city as aforesaid, (which *sheriffs* and each of them, not behaving him or themselves well in that office, or for any other reasonable cause, at the discretion and pleasure of the *mayor* and *common council* of the said city for the time being, or of the greater part of them, of which let the *mayor* be one, WE WILL may be removeable) that then and so often it may and shall be lawful for the *mayor* and *common council* of the said city, for the time being, or the greater part of them in manner aforesaid, within the said city assembled, to name, elect and prefer one or two of the assistants of the said city for the time being, to supply the said number of two *sheriffs* of the county of the said city, in the place or places of him or them so happening to dye, be removed or to depart; AND that he or they so elected and preferred (having first taken a corporal oath in the form aforesaid) may have and execute the said office during the residue of the same year, and from thenceforth until two others of the assistants of the said city shall be *duely* elected,

Power to
elect a new
mayor in
case of
death, re-
moval, or
departure.

sheriffs re-
movable
for misbe-
haviour.

New elec-
tion upon
such re-
moval.

51
Aldermen
removea-
and new
election.

electd, preferred and sworn to execute that office ; and so as often as the case shall so happen ;
AND whensoever it shall happen that the *aldermen* of the said city for the time being, or any one or more of them dye, are removed or depart from his or their office or offices (which *aldermen*, and any one or more of them, WE WILL may be removeable for any reasonable cause at the will and pleasure of the said *mayor*, *sberiffs*, and the other *aldermen* surviving and beheaving themselves well in their offices, and of the assistants of the said city, for the time being, or the greater part of them, of which let the *mayor* be one ;) that then and so often it may and shall be lawful for the *mayor*, *sberiffs*, and the other remaining *aldermen*, as aforesaid, and the assistants of the said city for the time being, or the greater part of them, (of which we will that the *mayor* be one) for this purpose in manner as aforesaid congregated and assembled, to name, elect, and prefer one or more of the assistants of the said city for the time being in the place or places of the *alderman* or *aldermen* so dead or removed or departing from that office, to supply the aforesaid number of eighteen *aldermen* of the said city ; AND that he or they, so elected and preferred to the office or offices of *alderman* or *aldermen* of the said city, as aforesaid, (having first taken his or their corporal oaths before the mayor of the said city for the time being, *well* and *faithfully* in all and through all things to execute the said office) shall be of the said number of eighteen *aldermen* of the said city ; WE likewise WILL that, whensoever it shall happen, that any one or more of the assistants of the said city dye, are removed or depart from his office or place, or from their offices or places (which assistants, and any one or more of them WE WILL may be removeable for

53
Assistants
removea-
ble and
new elec-
tion

for any reasonable cause at the pleasure of the *mayor, sheriffs, aldermen*, and the rest of the surviving and remaining assistants for the time being, or the greater part of them (of which WE WILL the *mayor* to be one;) that then and so often it may and shall be lawful for the *mayor, sheriffs, aldermen* and the rest of the surviving and remaining assistants of the said city, or the greater part of them, (of which WE WILL the *mayor* to be one) for this purpose in the form aforesaid congregated and assembled, to name, elect, and prefer one or more of the *better* and more *discreet* citizens of the said city into the place or places of the assistant or assistants so dead, removed or departing from that office to supply the said number of nineteen assistants of the said city; AND

WE further WILL and by these presents for us, our heirs and successors, GRANT to the said mayor, sheriffs and citizens of the county of the said city, and to their successors, that if it shall happen that the mayor of the said city, for the time being, is so sick and indisposed, that he cannot attend the necessary business of the said city, or for any reasonable cause goes out of the said city; that then and so often it may and shall be lawful for the mayor of the said city, for the time being, to make and appoint one honest and discreet man of the aldermen of the said city to be deputy of the mayor for the time being, so sick, or absent for a reasonable cause, as aforesaid; to be continued in the said office, during the absence or sickness of the mayor of the said city for the time being; which said alderman so to be deputed and constituted in the office of deputy-mayor, may be able and have power to do and execute by virtue of these letters patent, during the absence or sickness of the said mayor for the time being, all and singular those things, which do or

54
Power to
the mayor
to depute
another
alderman
in his
room to
serve as
deputy-
mayor in
case of
sickness,
&c.

ought to belong to the office of mayor of the said city, within the said city, liberties and precincts thereof, or within the county of the said city, so *fully, freely and intirely*, and in as ample manner and form as the mayor of the said city, were he present, might or could execute by virtue of these our letters patent, or by any other manner; having first taken his corporal oath before any two or more aldermen of the said city for the time being, *rightly, truly and faithfully* to execute all and singular things which belong to the office of deputy-mayor of the said city; and so as often
55 as the case shall thus happen; WHEREFORE WE WILL, and by these presents for us, our heirs and successors, DO GIVE and GRANT full power and authority to any two or more aldermen of the said city for the time being, to give and administer a corporal oath, upon the holy evangelists to every deputy-mayor to be appointed in such case, as aforesaid, for the true execution of the office of deputy-mayor of the said city, according to the tenor of these presents, without any commission or further warrant in that case to
56 be procured; AND moreover WE DO for us, our heirs and successors, GRANT to the said *mayor, sheriffs and citizens* of the county of the said city, and to their successors, that if any one or more of the citizens of the county of the said city, who hereafter shall be named and elected to the office or place of *mayor, alderman, sheriff, assistant, constable*, or other inferior minister or officer of the said city, or county of the said city or any of them (except the office of recorder and common clerk of the said city) and, having notice or knowledge of such election and nomination, shall deny or refuse to take upon themselves, undertake and execute that office, or those places to which he or they shall be so named and elected; that then
and

Power to
imprison
or fine any
person for
refusing to
execute
any office
of the said
city, except
that of re-
corder and
town-
clerk.

and so often, it may and shall be lawful for the *mayor, sheriffs, aldermen* and *assistants* of the said city for the time being, or for the greater part of them, to commit to the gaol of the said city him or them so refusing or denying to execute the office, or place, or offices or places, to which he or they shall be so named and elected; there to remain until he or they will execute such office or place, or offices or places, to which he or they have been so named and elected, or otherwise to impose fines, amerciaments upon such person or persons so refusing and denying; as to the said *mayor, sheriffs, aldermen* and *assistants* or to the greater part of them, for the time being, shall seem reasonable; and, in defect of payment of such fines and amerciaments, to apprehend him or them, and to commit him or them to the gaol of the said city, and there to detain him or them until he or they shall pay or cause to be paid those fines and amerciaments to the use of the community of the said city; AND further, WE WILL, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor, sheriffs* and *citizens* of the county of the said city and their successors, that they and their successors, for ever hereafter, may and shall have within the said city one *discreet and learned man in the laws of England*, who shall be and be named RECORDER of the said city; AND for the better executing our will and grant in this case, WE HAVE ASSIGNED, NAMED, APPOINTED and MADE, and by these presents for us, our heirs and successors, DO ASSIGN, NAME, APPOINT and MAKE our beloved *Thomas Gough, esq;* to be the first and modern recorder of the said city; to be continued in the said office during his natural life, unless in the mean time he shall be removed for any reasonable and just cause, or shall voluntarily quit the said office of recorder; which said *Thomas Gough*,

57
Power to
choose a
recorder.

58

and every other to be chosen hereafter in the office of recorder of the said city, shall take his corporal oath before the mayor of the said city for the time being, *rightly, well and faithfully*, in and through all things, to do and execute all and singular things, which belong to the office of recorder of the said city; and that from time to time and at all times after the death, surrender or removal of the said *Thomas Gough*, it may and shall be lawful for the *mayor and common council* of the said city for the time being, or the greater part of them (of which *WE WILL* the mayor to be one) to choose and prefer one other honest and discreet man, learned in the laws, to be recorder of the said city; to be continued in that office during the good will and pleasure of the said *mayor and common council* of the said city for the time being, or the greater part of them (of which *WE WILL* the mayor to be one;) having first taken his corporal oath in manner aforesaid; and so as often as it shall thus happen; AND moreover, for the confirmation and augmentation of the honour and name of the said city, *WE WILL*, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor, sheriffs and citizens* of the county of the said city and their successors, that they and their successors for ever hereafter may have, and may be enabled and impowered to have, within the said city, a *sword-bearer*, or officer, who shall be and shall be called the *sword-bearer* of the said city, which *sword-bearer* or officer named a *sword-bearer* of the said city, shall, from time to time be named, elected, and appointed by the *mayor and common council* of the said city for the time being, or the greater part of them (of which *WE WILL* the mayor to be one;) to be continued in the said office during the pleasure of the said *mayor and common council*, or the greater part of them, for the time being,

as

59

Power to
have a
sword-
bearer.

as aforesaid; and shall be from time to time attending on and upon the *mayor* of the said city for the time being, and shall carry and bear, and may have power and be able to carry and bear, one weapon or sheathed sword before the *mayor* of the said city, every where within the county of the said city, limits, liberties, and precincts of the same; unless we, our heirs or successors, shall be in our proper persons present; and that the said *mayor*, *sheriffs*, and *citizens*, and their successors, may also have, and be able to have, within the said city, four other officers, who shall be and shall be called *serjeants at mace*, for the execution of processess, writs, mandates, and other businesses, in the said city, or in the county of the said city from time to time happening, and arising, any way concerning their office; and that the said four *serjeants at mace*, and each of them, from time to time, shall be attendant upon the *mayor* of the said city and the *sheriffs* of the county of the said city for the time being; which *serjeants at mace* shall be named by the *mayor* and *sheriffs* of the county of the said city for the time being; to be continued in their offices and places during the pleasure of the said *mayor* and *sheriffs* for the time being; (the said *serjeants at mace* first taking their corporal oaths in the form aforesaid before the *mayor* of the said city for the time being, well and faithfully to execute their offices in all things concerning them;) and that the said four *serjeants at mace* in the said city, so to be named and elected in the said city, as aforesaid, shall bear and carry, and have power and be able to bear and carry gilded or silver maces, and engraved and adorned with the sign of our arms, before the *mayor* of the said city for the time being, every where within the county of the

- 60 Election of a common clerk, &c. the said city; AND WE further WILL, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor, sheriffs* and *citizens* of the county of the said city, and to their successors, that the *mayor* and *common council* of the said city for the time being, or the greater part of them, (of which WE WILL the *mayor* for the time being to be one) may from henceforth for ever hereafter elect and make a *common clerk, marshal, searcher, water-bailiff, gauger, constable*, and all other inferior officers and *ministers* whatsoever, necessary for the county of the said city, of the more *honest, more discreet, and more fit* persons of the *citizens* of the said city; and may remove them or any of them, when they please, and in place or stead of the person or persons removed, or deceased, may elect and make one or more of themselves from time to time, which said *common clerk, marshal, searcher, water-bailiff, gauger, constable*, and other *officers* and *ministers*, and each of them, before they or any of them be admitted respectively to execute their said offices, shall take his and their corporal oath on the holy evangelists, before the *mayor* of the said city, for the time being, or in his absence before two *aldermen* of the said city, well and faithfully to execute their offices respectively in and through all things touching or concerning their
- 61 Election of a coroner. offices; AND FURTHER WE WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor, sheriffs*, and *citizens* of the county of the said city and their successors, that it may and shall be lawful for the *mayor* of the said city for the time being, and the *common council* of the said city for the time being, or the greater part of them from time to time, as often as it shall seem expedient to them, to elect

elect one *fit* and *sufficient* man to be CORONER of the county of the said city; and him, at their pleasure, to remove from that office; and that he, from time to time elected as CORONER of the county of the said city (having first taken his corporal oath before the *mayor* of the said city for the time being, to execute that office in all things touching that office) may and shall have full power and authority of doing and executing within the said city and county of the said city, suburbs and precincts of the same, all and singular things, which belong to the office of *coroner*, to be done and exercised within any county of the said kingdom of *Ireland* by the laws and statutes of the same kingdom; and this without any other writ or warrant to be procured or obtained from us, our heirs or successors, for that

Par. 61. CORONER is an ancient officer of trust, and is so called because he deals wholly for the king and crown. Coroners are invested with a *judicial* and *ministerial* authority; judicial in the case where a person comes to a violent death, or is killed, &c. and by such their authority they can take appeals of murder, pronounce judgment on outlawries, &c. Their *ministerial* power is where they execute the king's writs, on exception taken to the sheriff, as being party to a suit, of kin to either of the parties, or on default of the sheriff, &c. *Plowd. 73.* A coroner on the death of a person slain, or suddenly dead in an extraordinary way, is to send his warrant to the bailiffs, constables, &c. to summon a jury out of the neighbouring parishes, in order to make enquiry upon view of the body, and the coroner and jury are to enquire into the manner of killing, and all circumstances that occasioned the party's death, who were present, whether the dead person were known, where he lay the night before, &c. They are to examine the body if there be any signs of strangling about the neck, &c. Also, all wounds must be viewed, and enquiry made with what weapons given, &c. *4 Ed. 1. 2 Danv. Abr. 209, 210.* And the coroner may send his warrant for witnesses, and take their examination in writing; and where a person, by his inquisition, is found guilty of the felony, he may commit him to prison, and the witnesses are to be bound by recognizance to appear at the next assises, &c.

The
mayor to
be es-
cheator.

62

How the
first mayor
is to be
sworn.

that purpose; and that no other *coroner* or *coroners* of us, our heirs or successors, may in any wise enter, or presume to enter in, or within the said city or county of the said city, suburbs, precincts or liberties of the same, to do any thing that belongs to the office of a coroner; and that the *mayor* of the said city for the time being may and shall be *ESCHEATOR* of the county of the said city for us, our heirs and successors; and may and shall have power and authority of doing and executing within the same city and county of the said city, suburbs and precincts of the same, all and singular things which belong to the office of *escheator*, to be done and exercised within any county of the said kingdom of *Ireland* by the laws and statutes of the same kingdom; and that no other *escheator* or *escheators* of us, our heirs or successors, may in any wise enter or presume to enter into the said city or county of the said city, liberties, suburbs, or precincts thereof, to do any thing that belongs to the office of *escheator* in the said city or county of the said city, suburbs, precincts, or liberties of the same; AND further WE WILL, and by these presents for us, our heirs and successors, DO ORDAIN and APPOINT that the said *James Woodlock* above in these presents named to be *mayor* of the said city, before he be admitted

ESCHEATOR, from *ESCHEAT*, which is derived from an old *French* word, which signifies to *happen*. All lands or tenements, which casually fall to the king, or to the lord of a manor, by way of forfeiture, as in treason, &c. or by the death of his tenant, without heir general or special, are called *Escheats*; as the officer, by whom they are discovered, is called *Escheator*. This was an officer anciently appointed by the *Lord Treasurer* in every county to hold inquests of *Escheats*, due to the king, by a jury impanelled by the sheriff. They were to make a return, or certificate of their inquisitions, into the *Exchequer*. No seizure of lands or tenements can be made into the king's hands, before the *Escheats* be found upon inquisition as above.

admitted to execute the office of *mayor* of the said city, shall take his corporal oath on the holy evangelists, before our beloved the said *Richard Aylward*, knight, *Peter Aylward*, knight, and *Thomas Gough*, esq; or before any two or one of them, *well* and *faithfully* to execute that office, as also the office of *escbeator* of the county of the said city, and each of them, in and through all things touching the said offices or either of them; to which *Richard Aylward*, *Peter Aylward*, and *Thomas Gough*, and to two, or one of them, WE DO, by these presents, GIVE and GRANT full power and authority to administer such oath to the said *James Woodlock*; and this without any commission or further warrant to be procured or obtained from us for this purpose; and that in case of death, removal, or departure of the *mayor* of the said city, for the time being, within the year or time wherein he ought to execute that office, it may and shall be lawful for any two *aldermen* of the said city for the time being, in presence of so many of the *common council* for the time being, who will be then present, to tender a corporal oath to the *mayor* to be elected for the residue of that year, for the faithful execution as well of the office of *mayor* of the said city, as of the office of *escbeator* of the county of said city; without any other commission or warrant to be procured from us, our heirs or successors, for that purpose; AND further WE WILL, and by these presents for us, our heirs and successors, ORDAIN, GRANT, and APPOINT, that every *mayor* to be elected of the said city, as also the *recorder*, *sheriffs*, *aldermen*, *assistants*, *common clerks*, *coroners*, *marshals*, *searchers*, *water-bailiffs*, *serjeants at mace*, *gaugers*, *constables*, and all other ministers and officers of the city and couni^y of the said city, as well those in these presents

In case of the
mayor's death, the
mayor elected to
be sworn
by two al-
dermen.

63

G

named,

named, as those hereafter, by virtue of these presents, to be named, elected and appointed, shall respectively take a separate corporal oath on the holy evangelists, before the *mayor* of the said city for the time being, or in his absence before two aldermen of the said city for the time being, well and faithfully to execute the office or offices respectively, to which they or any of them shall be elected and preferred; and by these presents, for us, our heirs and successors, WE GIVE and GRANT full power and authority to the *mayor* of the said city for the time being, and in his absence to any two *aldermen* of the said city for the time being, to administer a corporal oath as well to the *mayor* hereafter to be elected, as to all other officers of the said city or county of the said city for the time being, as well those named in these presents, as those hereafter from time to time to be elected or appointed for the true and faithful execution of their office or offices respectively, to which, he or they shall be respectively elected and preferred; without any commission or further warrant to be procured from us, our heirs or successors, or any other person or persons whatsoever for that purpose; AND MOREOVER of our more abundant special grace and certain knowledge and meer motion, WE WILL, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city, and their successors, that they and their successors may have and hold, and may have power and be able to have and hold within the said city of *Waterford*, before the *mayor* and *recorder* of the said city, or their sufficient deputies, one court of *record* every *Monday*, and one other court of *record* every *Friday*, and as often as it shall seem *fit* and *necessary* to them; and in the same court to hold pleas of all causes and

All officers
to take
oaths well
and faith-
fully, &c.

64

To hold a
court of re-
cord every
Monday
and *Fri-*
day before
the *mayor*
and re-
corder, or
their depu-
ties for any
sum with-
out limita-
tion.

and actions whatsoever arising within the said city and county of the same city; although the debts, trespasses, conventions, and other things and actions do amount to or exceed or do not amount to or exceed the sum or value of forty shillings; AS ALSO pleas and complaints of the caption and unjust detention of cattle and chattles and of *withernam*; as also to hold pleas of all and all manner of pleas, complaints, actions, and suits, for and concerning any lands, tenements or hereditaments whatsoever, situate, lying or being within the said city or county of the same city, liberties, or precincts of the same, as well of assise, of *novel disseisin*, *mort d'ancestor*, *certification of assise*; 65
 G 2 *attaints*

Par. 65. WITHERNAM, is a writ that lies where a distress cannot be found or is driven out of the county, and the sheriff cannot make deliverance to the party distrained; in that case this writ is directed to the sheriff, commanding him to take as many of the beasts or goods of the party that did thus unlawfully distrain, into his keeping, until the party make deliverance of the first distress, &c. *Fitz. Nat. Brev. 69.* This writ issues on the return made by the sheriff upon an *Alias* and *Pluries* in a replevin, that the cattle, &c. are elained, &c. And where it is returned in the court of *King's-Bench* or *common pleas*, that the party has not any thing, &c. a *capias* shall go out against him, and an *exigent*, in order to outlawry. *New Nat. Brev. 166.* The plaintiff in *withernam* may declare for the unjust taking, and yet detaining of his cattle, and so go to trial on the right; and in case it be found for him, he shall thereupon recover the value of the cattle or goods with costs and damages, or have a return of them again; but if it is adjudged for the defendant, he shall, in that case, keep the beasts, and have his costs and also damages for the unjust prosecution. 3 *Nelf. abr. 534.*

ASSISE OF NOVEL DISSEISIN, is a writ that lies where tenant in fee simple, fee-tail, or for term of life, is put out and *disseised* of his lands, tenements, rents, common of pasture, common way, &c. See *Glanv. lib. 2.* This writ of *assise* must be of an actual freehold in lands, &c. and may be brought for an office held for life, provided it be an office of profit, not of charge only: It also lies for the toll of a mill, or market; and for estovers of wood, common of turbary, and of fishing appendant to a freehold, &c. 8 *Rep. 46, 47.*

ASSISE OF MORT D'ANCESTOR, is a writ which lies where a person's

attaints, and assise of *fresh force*, as of all other actions, plaints, pleas, and suits whatsoever, and of all and all manner of pleas, plaints, actions, and

a person's father, mother, brother, sister, &c. died seised of lands or tenements in fee, and after either of their deaths, a stranger abateth, *i. e.* takes possession of those lands, &c. Among the several commissions formerly granted to the judges of *assise*, one was to *take assises*, and do right upon writs of *assise* brought by persons wrongfully thrust out of their lands and possessions; but that manner of proceeding is disused, since possessions are sooner recovered by ejectments, &c.

CERTIFICATION OF ASSISE, is a writ granted for the re-examining a matter passed by assise before justices. This writ is used where a person appears by his bailiff to an assise brought by another, and has lost the day; or his having something more to plead, which the bailiff did not, or might not plead for him; he desires a farther examination of the cause either before the same justices or others, and obtains the king's letters patent to them for that end; which being done, he brings a writ directed to the sheriff to call both the party for whom the assise passed, and the jury that was impanelled thereon, before the said justices, at a certain day and place, for the better *certifying* of themselves, whether all points of the said *assise* were duely examined.

ATTAINT, is a writ which lies against a jury that have given a false verdict in any court of record, in a real or personal action, where the debt or damages amount to above 40 s. *Stat. 34 Ed. 3. c. 7.* It derives its name of *attaint* from the party's endeavouring thereby to *taint* or *stain* the credit of the jury, by whose verdict he is grieved; whereupon a jury is summoned to inquire if the former jurors made a false oath, &c. and if the verdict be found false, then the punishment of the common law was, that the jurors meadows should be ploughed up, their houses broke down, woods grubbed up, and all their lands and tenements forfeited, &c. But, by statute, the severity of the common law is mitigated, where a petty jury is attainted; and there is a pecuniary penalty appointed, and also fine, &c. and the grand jury is to try the verdict of the petty jury on the *attaint*. *Glanvil. lib. 2. Fitz. Nat. Brev. 252.*

ASSISE OF FRESH FORCE, is a writ which lies for the recovery of the possession of lands, &c. within forty days after the disseisin, as the ordinary assise in the county. *Fitz. Nat. Brev. 7.* For the method of proceeding in a writ of assise, see *Plowd. 411, 412.*

As

and suits, as well *real* as *personal*, *popular* and *mixt*, happening, growing, or arising within the said city of *Waterford* or county of the said city, suburbs, limits or precincts of the same; AND 66 that such pleas, actions, complaints, and suits shall be heard and determined before the *mayor* and *recorder* of the said city for the time being, or their sufficient deputy, by such and like manner and process, according to the law and custom of our kingdom of *Ireland*, as shall be consonant to our laws, so *fully* and *wholly*, as by the justices of both benches, justices of assize, justices itinerant, and other justices and ministers of us, our heirs and successors, and in as ample manner and form, as it is used and accustomed, or can or ought to be made in any court of *record* in any other city, borough or incorporated village within our kingdom of *Ireland*; AND WE WILL, and 67 for us, our heirs and successors, DO ORDAIN, that the said *serjeants at mace* of the said city of *Waterford*, for the time being, or any one or more of them, DO MAKE and EXECUTE all pannels of juries, inquisitions, attachments, precepts, mandates, warrants, judgements, processes and all other necessary things to be done, concerning causes in the aforementioned court in the said city or county of the same city, liberties, and precincts of the same, as they shall be commanded, according as the law requires, and as in like cases it is used or ought to be done in any other court of *record* in any other city, borough or

Duty of
serjeants at
mace.

AS WELL REAL AS PERSONAL, POPULAR AND MIXT. See note on *Par. 26*. *Popular* action, is an action in general given to any one that will sue for a penalty incurred by the breach of some penal law; and these actions must be generally commenced within one year after the breach or offence committed; whereas, where the penalty goes only to the king, two years are allowed for commencing the prosecution in. 21 *Fac.*
I. c. 4.

or incorporated village within this kingdom of *England*, or within the kingdom of *Ireland*; AND that
 68 the *mayor, sheriffs, and citizens* of the County of the
 said city and their successors may and shall have
 All fines to their own proper use all fines, amerciaments
 &c. given and profits whatsoever accruing, happening or
 to the city. arising from and in the said court, or by reason
 or pretence of the said court; and that it shall
 be lawful for them to put themselves in possession
 of all and singular the said fines, amerciaments,
 and profits, and to levy and collect all and sin-
 gular the same to the use of the said *mayor, sheriffs,*
 and *citizens* of the county of the city of *Water-*
 69 *ford* afore said, and their successors; AND
 MOREOVER of our special grace, and certain
 knowledge and meer motion, WE HAVE GRANT-
 ED, and by these presents for us, our heirs and
 successors, DO GRANT to the said *mayor, she-*
 Courts leet riffs, and *citizens* of the county of the city of
 to be held before the *Waterford* afore said, and their successors, that they
 mayor and recorder. and their successors for ever hereafter MAY HAVE
 and HOLD, and may have power and be able to
 HAVE and HOLD within the said city of *Water-*
ford, or within the liberties or precincts of the
 county of the same city, a *court-leet* or *view of*
frank pledge, and all things that do belong, or
 hereafter

Par. 69. COURT-LEET, is a court held by the lord of a manor. It is said to be the most ancient court of record, and was ordained for the punishment of offences against the crown. It enquires of all offences under high treason; but such as are punished with loss of life, or member, are only inquirable and presentable here, and to be certified over to the justices of assize.
 1 Ed. 3.

VIEW OF FRANK PLEDGE. *Frank pledge*, signifies a pledge or surety for the behaviour of a freeman, called also *Friburgh*. The ancient custom of *England* for preservation of the public peace, was, that every free-born man at fourteen years of age (religious persons, clerks, knights, and their eldest sons excepted)

hereafter may or ought to belong to a *court-leet* and *view of frank pledge*, on all the inhabitants and residents within the said city or county of the said city, liberties or precincts of the same, twice in the year, that is to say, once within a month next after the feast of *Easter*, and again within a month next after the feast of *St. Michael* the archangel, to be held before the *mayor* and *recorder* of the said city for the time being, or their sufficient deputies; AND that the said *mayor*, *sheriffs*, and *citizens* and their successors, may have all issues, profits, perquisites, fines, and amerciaments to be forfeited in all such *leets* or *views of frank pledge*; and may levy, and have the same by their officers, from time to time, to their own proper use, without giving any account, or without doing or paying any thing to us, our heirs or successors, for the same; AND further, of our like grace and certain knowledge and meer motion, WE GRANT to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city, and their successors, that they and their successors may have cognisance of all and all manner of pleas

70

71

Cogni-
sance of
all sorts of
pleas.

excepted) should find surety for his fidelity to the king and his subjects, or else be confined in prison. Accordingly, a number of neighbours became bound for each other, to see each man of their pledge forthcoming at all times, or to answer for the offence committed by any one gone away; so that when any one offended, it was presently enquired in what pledge he was; and then those of the *pledge* either brought him forth within one and thirty days to his answer, or satisfied for his offence. This custom was called *frank-pledge*; and the circuit it extended to *decenna*, by reason it usually consisted of ten households; and every person thus bound for himself and neighbours, was called *decennier*. In observance of this custom, the sheriffs at every county-court did, from time to time, take the oaths of young persons, as they arrived at the age of fourteen, and see they were settled in one *decenna* or other. Whereupon this branch of the sheriff's office and authority was called *visus franci plegii*, i. e. *view of frank-pledge*. See *Bract. lib. 3. Tract. de corona, cap. 20.*

Suits once begun in the said court shall not be removed till determined.

72

Estreats of the exchequer.

pleas of debts, accounts, trespasses, conventions, deceits, and detinues, and of other pleas, matters, causes, complaints, demands and contracts personal whatsoever, happening and arising within the county of the said city, liberties or precincts thereof; and also WE WILL, and by these presents for us, our heirs and successors, DO ORDAIN and APPOINT, that all and all manner of actions, complaints, and suits real and mixt, arising or happening within the said city or county of the same city, liberties or precincts of the same, if they shall be Commenced in the court of record of the said city, may be prosecuted and determined there, without any contradiction of us, our heirs or successors, or of any justices, officers, or ministers of us, our heirs or successors, or of any other persons whatsoever; and such pleas shall not be removed from thence, until such pleas, by a due end, be determined by the judgement of the court; AND FURTHER WE WILL, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor, sheriffs and citizens* of the county of the said city, and to their successors, that they and their successors may and shall for ever hereafter have the return as well of all writs of assises as of all and all manner of other writs, precepts, bills, and warrants of us, our heirs and

Par. 71. CONVENTION, is a word signifying an agreement or covenant, as used in ancient law pleadings: And there is said to be a pleasant record of the court of the manor of *Hatfield* in the county of *York* held anno 11 *Ed. 3.* where a person complained of another, for not keeping his *convention* or agreement, to deliver to him the *devil* bound, on a sale and earnest thereof given, &c. But the court dismissed the plea, because it lay not before christians, and adjourned the parties *usque in inferum*, i. e. to hell, to hear judgment; also amerced both the parties, &c.

DETINUE, is an action that lies against one that has got goods or other things to keep, and afterwards refuses to deliver them.

and successors; and also the *summonses* and *estreats* of the exchequer of us, our heirs and successors, and the *estreats* and precepts of the justices itinerant of us, our heirs and successors, as well for *pleas* of the *forest* as all other *common pleas*; and those of all other justices whatsoever of us, our heirs and successors; and also attachments as well of *pleas of the crown* as others, arising or happening in the county of the said city, liberties or precincts thereof, and the executions to be made of them by the *sheriffs* of the county of the said city, so that no other *sheriff*,
H *bailiff*,

Par. 72. ESTREAT, is a true copy or note of an original writing or record, especially fines, amerciaments, penalties, &c. set down and imposed in the rolls of a court, to be levied by the bailiff or other officer. *Fitz. N. B. 75.* *Estreats* relate generally to fines for crimes and offences, defaults and omissions of persons concerned in suits, and likewise of officers; non-appearance of defendants and jurors, &c. and before process issues to levy forfeitures on recognizances to the king's use, the recognizances must be first *estreated* into the *exchequer* by sheriffs of counties. 22 and 23 *Car. 2.*

PLEAS OF THE FOREST, &c. *Plea*, is what either party in a court alleges for himself in a cause depending there: And *plea*, or pleading in a more extensive sense, contains all the points or matters that follow the declaration, both on the defendant and plaintiff's side, till issue be joined; tho' a plea is most commonly taken to be only the defendant's answer to the plaintiff's declaration. *Pleas* are usually divided into *pleas of the crown*, and *common pleas*: Those of the crown are all suits in the king's name, or in the name of the attorney-general on his behalf, for offences committed against his crown and dignity, and also against the peace; such as treasons, murder, felony, &c. Those called *common pleas*, are such suits as are carried on between common persons in *civil* cases, as contract, debt, &c. *Pleas of the forest*, are such suits as concern the forest, which is defined to be, a place privileged by royal authority, for the peaceful abiding and nourishment of the beasts, or birds of the *forest*, being the king's game, for the sport of the king, or according to *Manwood*, a certain territory of woody grounds and pastures, fixed in its bounds, and privileged for wild beasts and fowls of *forest*, chase and warren, to rest and abide under the protection of the king for his princely delight and pleasure, &c.

bailiff, or other minister of us, our heirs or successors, may enter the county of the said city to do or execute any thing that doth belong to his office; AND FURTHER WE WILL and by these presents for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs*, and *citizens* of

73 Mayor, recorder and four elder aldermen to be justices of the peace.

Power to punish, imprison, &c.

the county of the said city, and to their successors, that the *mayor*, *recorder*, and four senior *aldermen*, in order and degree of the said city, for the time being, may and shall be, and every five, four, three, two, and one of them, may and shall be justices of us, our heirs and successors, to preserve and keep, and cause to be preserved and kept our, our heirs and successors peace, within the said city and county of the said city, limits and precincts of the same; and to keep and cause to be kept all ordinances and statutes, enacted for the publick good of the peace of us, our heirs and successors, and for the government of us, our heirs and successors people, in all their articles in the city and county of the city of *Waterford* aforesaid, liberties and precincts thereof, according to the force, form and effect of the same; and to chastise and punish all persons offending in the city or county of the said city, liberties or precincts of the same, against the form of those ordinances and statutes, or any of them; as it is to be done according to the form of the said ordinances and statutes; and to make all those who have threatened any one or more of our, our heirs and successors people, with any bodily harm, or the burning of their houses, to find sufficient security for the peace, or for their good behaviour to us, our heirs and successors; and to our, our heirs and successors people, and if they refuse to find such security, then to cause them to be kept safe in our, our heirs and successors prison within the said city, until they find such security; and that the said *mayor*, *recorder*, and four elder *aldermen* of

of the said city for the time being, as aforesaid, or any two or more of them (of which WE WILL the *mayor* and *recorder* of the said city, for the time being, to be two) be our, our heirs and successors justices, to enquire, by the oath of *honest* and *legal* men of the county of the said city, or of the said city (by whom the truth of the matter may be better known) of all and all manner of treasons, felonies, poisonings, incantations, forgeries, witchcraft, magick art, trespasses, forestallers, regraters, ingrossers, and extortions whatsoever; and of all and singular other crimes and offences committed or perpetrated within the said city or county of the said city, liberties, or precincts of the same, or which shall hereafter happen to be committed or attempted there, of whereof our, our heirs and successors, justices of the peace, by any persons, or by any other means, could or ought to enquire; AS ALSO of all those

74

Power to
punish
such as go
and ride in
conventi-
cles

who, in the said city, or county of the said city, liberties or precincts of the same, shall, against the peace of us, our heirs and successors, go or ride, or hereafter shall presume to go or ride with armed force in *conventicles*; and of all those who there shall lye in wait, or shall hereafter presume to

H 2

lye

Par. 74. CONVENTICLE, is a private meeting, or assembly of persons for the exercise of religion, which, at first, was attributed in disgrace to the meetings of *Wickiff*, above two hundred years ago, and has been since applied to the illegal meetings of the *non-conformists*. A statute was made in the reign of king *Charles* the second, to prevent and suppress *conventicles*: By which, if any persons of the age of 16, being subjects, shall be present at any *conventicle*, where there are five, or more, assembled, they may be fined five shillings for the first offence, and ten for the second; the persons preaching twenty pound; and suffering a meeting to be held in a house, incurs the like penalty; also, justices of peace may break and enter such houses, and seize persons there met: But protestant dissenters are exempted from these penalties. 16 *Car. 2. c. 4.* 22 *Car. 2.* See the act at large, and lord chief justice *Saunders* his observations thereon.

lye in wait to *maim* or kill our, our heirs and
 successors, people ; as also of innkeepers, and of
 all and singular other persons, who have offended,
 or attempted, or hereafter shall presume to of-
 fend, or attempt, in the said city of *Waterford*,
 or in the county of the same city, liberties or
 precincts thereof, in the abuse of weights and
 measures, and in selling victuals against the form
 of those ordinances, and statutes, or any of them,
 enacted for the common benefit of our kingdom of
Ireland and of our, our heirs and successors people ;
 as also of all constables, keepers of gaols, and other
 officers, who, in the execution of their offices about
 the premises, or any of them, have unduely behaved
 themselves, or hereafter shall presume unduely to
 behave themselves, or who shall be, or hereafter
 shall happen to be either *remiss*, *careless*, or
negligent, in the city and county of the said city,
 or within the liberties or precincts of the same ;
 75 AND of all and singular articles and circum-
 stances and other matters whatsoever done or
 committed, or that hereafter shall happen to be
 done or attempted any way concerning the pre-
 mises, or any of them, by any person and means
 whatsoever, within the said city, or within the
 county of the same city, liberties or precincts
 thereof ; and to inspect into all indictments so
 taken, or to be taken before the said *mayor*, *re-*
corder,

Abuse in
 weights
 and mea-
 sures.

75

To in-
 spect in-
 dictments.

MAIM, or *MAIHEM*, or *MAYHEM*, signifies, to give a
 wound, or corporal hurt, whereby a person loses the use of
 a member that might be of defence to him ; as, where a man
 has some bone broken, a foot, hand, or member cut off, or
 where an eye is put out, &c. Though the cutting off an ear
 or nose, the breaking of the hinder teeth, &c. was formerly
 held to be no *maihem*. *Bract. lib. 3.* A *maihem* by castration,
 in ancient times, was punished with death, and other *maihems*
 with the loss of member for member ; but afterwards it was
 punishable only by fine and imprisonment, and damages to the
 party. *Hales P. C. 133.* see also 1 *Hawk. 112.*

corder, and four elder *aldermen*, or any of them, and to make and continue process thereof against all and singular persons so indicted, or those who hereafter shall happen to be indicted before them, until they are apprehended, surrender themselves, or are *outlawed*; and to chastise and punish those delinquents, and every of them, for their faults, by fines, ransoms, amerciaments, forfeitures, and by other means, as, according to the law and custom of our kingdom of *Ireland*, or the form of the ordinances or statutes aforesaid, it hath been used, or ought to be done; WE also WILL, and, by the tenor of these presents, COMMAND the *sheriffs* of the county of the said city for the time being, that on certain days and places, which the said *mayor*, *recorder*, and four elder *aldermen*, or any two or more of them (of which the *mayor* and *recorder*, or their respective deputies, WE WILL shall be two) shall acquaint them with, they may cause to come before them, or such two or more of them, so many and such *honest* and *legal* men of the county of the said city, or of the said city, by whom the truth of the matter in the premisses may

To punish
offenders.

76
Sheriffs to
return ju-
ries.

Par. 75. OUTLAWED, that is, deprived of the benefit of the law, and therefore held to be out of the king's protection. The process of outlawry lies in indictments of treason, or felony, and also of trespass *vi and armis*, conspiracy, &c. And, by statute, persons may be *outlawed* in many civil actions, as debt, case, covenant, &c. *Finch. 346. 2 Hawk. 302.* Where an original writ, and the writs of *capias*, *alias* and *pluries* have been issued against a person, and are returned by the sheriff *non est inventus*, and after proclamation made for him to appear, &c. if he omits so doing, he then becomes *outlawed*: Tho' formerly, no person could be *outlawed* except in the case of felony, which being punished with death, any person was allowed to slay the outlaw, but that is now altered, and none but the sheriff, on a lawful warrant, may put a person outlawed for felony, to death. *Brañ. lib. 5. 1 inst. 128.* A person *outlawed* cannot sue in any court, only to reverse the *outlawry*, &c.

77 may be better known and enquired of; WE also WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city, and to their successors, that the *mayor* of the said city, for the time being, may and shall be keeper of the rolls of the peace of us, our heirs and successors, in the county of the said city; AND

78 MOREOVER WE WILL, and by these presents COMMAND, the *mayor* of the said city for the time being, that he, on the said days and places, cause to come before him and his said companions, justices of the said city, all writs, precepts, processses and indictments afore said, that they may be inspected into and be *duely* determined as afore said; so that no other justice of the peace of us, our heirs or successors, in the said city or county of the same, liberties or precincts thereof, may for ever hereafter any way intermeddle with any matters belonging or appertaining to the justices of the peace, happening or arising in the said city, or county of the said

79 city, liberties or precincts thereof; WE also WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs*, and *citizens* of the county of the said city, and their successors, that the *mayor*, *recorder*, and four elder *aldermen* of the said city, for the time being, in degree and order, as afore said, hereafter for ever may, and each of them may and shall be our, our heirs and successors, justice and justices, to *deliver* the gaol of the county of the said city of the prisoners, from time to time there *being*; and that they, or two or more of them, (of which the *mayor* and *recorder*, or their deputies, as afore said, WE WILL to be two) may have full power and authority, and, by these presents, for us, our heirs and successors, WE DO

GIVE

Mayor to
be keeper
of the
rolls of
the peace.

Precepts,
writs, in-
dictments
&c. to be
inspected
by the
mayor and
other jus-
tices.

Commis-
sion of
gaol-deliv-
ery, &c.

GIVE and GRANT them, and such two or more of them, full power and authority, to hear and determine all and all manner of robberies, felonies, murders, escapes of felons, or for any other cause of damages, trespasses, imprisonments, contempts, and other offences and crimes whatsoever, happening, arising, committed or done, or that hereafter shall happen, arise, be done, or committed in the said city, or county of the same city, liberties or precincts of the same, in any wise, touching us, or our heirs or successors, or our crown, or any other persons whatsoever, as well against the form of our common law, as against the form of some statutes or statute, or some acts of parliament or ordinances whatsoever, before these times made or enacted, or hereafter to be made, ordained, or enacted; as also to deliver the gaol of the county of the said city of prisoners, there from time to time being, according to the laws, customs and statutes of our kingdom of *Ireland*, before these times made or enacted, or hereafter to be made, ordained or enacted; and to make, or cause to be made from time to time for ever, as often as it is needful, necessary, requisite, and expedient, executions of judgments as well of life as of member, without any other commission, mandate, or authority from us, our heirs or successors, or from our, our heirs and successors, lieutenant or deputy of our kingdom of *Ireland*, to be had for that purpose; and that the coroner of the county of the said city for the time being, from time to time may make a return of all juries, inquisitions, pannels, attachments and indentures by him hereafter to be taken, before the said justices of gaol-delivery, when and as often as they will deliver the said gaol of the prisoners in the said gaol being; WE also WILL, and by the tenor of

Coroner to
make re-
turns to
the justi-
ces of
gaol-delivery.

these presents for us, our heirs and successors,
 COMMAND the sheriffs of the county of the said city
 for the time being, that they be attendant on the
 said justices in all things, touching the delivery of the
 said gaol, and that from time to time they execute
 their precepts, in the same manner and form as
 any other sheriffs of our kingdom of *Ireland*, by
 the laws and statutes of our said kingdom of *Ire-*
land, were wont, or ought, in any manner, to
do, return, attend, or execute before our,
 our heirs and successors justices of gaol-delivery,
 in any county of our said kingdom of *Ireland*; yet
 so that without our, our heirs and successors,
 special mandate, they may not in any wise pro-
 ceed to the determination of any *treason* or
misprision

Sheriffs to
 be atten-
 dant on the
 justices of
 gaol-deliv-
 ery.

Par. 80. TREASON, in general, signifies a betraying, and it is divided into *high-treason*, and *petty-treason*. The first of these is defined to be an offence committed against the security of the king or kingdom; as to compass or imagine the death of the king, queen, or their eldest son and heir; or in case a person does violate or deflower the king's wife, or his eldest daughter unmarried, or the wife of the king's eldest son; or if he levy war against the king within his kingdom; or adhere to his enemies, give them aid or comfort within the realm, or elsewhere; or if he counterfeit the king's great or privy seal, or his money, or bring false money into the kingdom, like to what we have here, and utter the same; if he kill the chancellor, treasurer, justices of either bench, justices of assize, or of *oyer and terminer*, sitting in judgment, and representing the person of the king, in the execution of their office; all these cases are deemed *treason* by 25 *Ed. 3. c. 2*. The offender in high treason is to be hanged, drawn and quartered, and also forfeit his lands and goods to the king. 2 *Hawk.* *Petty-treason* is, where a servant kills his master, a wife her husband, or where a secular or religious person kills his prelate or superior, to whom he owes faith and obedience: And aiders and abettors, as well as procurers, are within the act 25 *Ed. 3*. All *petty-treason* implies the highest degree of murder, and occasions the forfeiture of the lands by escheat to the lord of the fee, &c. and the further punishment of the man is, to be drawn, hanged and quartered for it, and a woman burnt.

misprison of treason within the said city, or within the county of the said city, liberties or precincts of the same; WE also WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor, sheriffs* and *citizens* of the county of the said city, and to their successors, that no other may be assigned to inquire into, hear and determine, or to deliver the gaol, or to discuss or order any other thing within the said city, except one or more Justices of the one bench or the other, or the master of the rolls, or one or more barons the exchequer of our said kingdom of *Ireland* (the *mayor* of the said city, for the time being, being joined in commission with them;) AND if any such commissions, writs, precepts or mandates of us, our heirs or successors, or of our, our heirs or successors, lieutenant in *Ireland*, shall be made otherwise, or to other persons, then these commissions, writs, mandates shall be void and of no effect; AND FURTHER our more ample special grace, and certain knowledge and meer motion, WE WILL, and by these presents for us, our heirs and successors, GRANT to the said *mayor, sheriffs*, and *citizens* of the county of the said city, and their successors, that the said *mayor, sheriffs* and *citizens* of the said city, and their successors, MAY HAVE and ORDER for themselves, where it shall seem most convenient, within the same city, or suburbs thereof, one or more house or houses for a gaol, or gaols, to

I keep

MISPRISON, in general, signifies some neglect or oversight; as where one is privy to a treason or felony committed by another, and neglects the revealing of it to the king or his counsel, or to a magistrate, but intirely conceals the same, this will be misprison of those crimes. *Hale's P. C. 127.* In cases of *misprison* of treason the offender is to be imprisoned for life, and forfeit his goods and chattles, together with the profits of his lands, &c. But in *misprison* of felony, the offender is to be punished by fine and imprisonment, and remain in prison, till the fine is paid.

- keep prisoners, and all persons whatsoever, taken or to be taken, and committed or to be committed there to prison, for any causes or matters whatsoever, within the said city, or county of the same city, or within the ports, liberties or precincts of the same; AND that the *sheriffs* of the County of the said
- 84 *Sheriffs to be keepers of the gaol.* city, for the time being, may be keepers of the said gaol; and may always by themselves, or by their sufficient deputy or deputies, keep such gaol and the prisoners therein being, according to the form of law; WE also WILL, and by these presents for
- 85 us, our heirs and successors, GRANT to the said mayor, *sheriffs* and *citizens* of the county of the said city, and their successors, that the same mayor, recorder, and four elder *aldermen* of the said city, for the time being, or any two or more of them (of which WE WILL the mayor or recorder to be one) may, by themselves, or by their officers, or by the *sheriffs*
- Power to arrest all* of the said city for the time being, take and arrest all *traytors, murderers, felons, &c.* *voluntary homicides*, felons, robbers, and other malefactors found and to be found within the said city, or within the county of the said city, suburbs or precincts of the same; and may convey them to some gaol within the said city or county of the same city, there safely to be kept, until they shall
- 86 be delivered by due course of law; YET WE WILL that the said *James Woodlocke*, now mayor of the said city, before he be admitted to execute the said office of justice of peace, shall take his corporal oath on the holy evangelists before the said *Richard Aylward* and *Peter Aylward*, knights, and
- How the mayor is to be sworn justice of the peace.

Par. 85. HOMICIDE, signifies the killing or slaying a person; and it is divided into *voluntary* and *casual*: *Voluntary*, is that which is done with deliberation, and a full purpose to kill: *Casual homicide*, is where the death of a person happens by chance, without any intention to kill. The former of these, where done out of malice premeditated is *murder*; and the latter may be *manslaughter*, or *chance-medley*, &c. *Glaswill, lib. 14.*

and *Thomas Gough*, esq; or any two or more of them, well and faithfully to execute the office of justice of peace within the county of the said city; to which said *Richard Aylward*, *Peter Aylward*, and *Thomas Gough*, and to any two or one of them, WE, by these presents for us, our heirs and successors, DO GIVE and GRANT full power and authority of tendering and administering such oath to the said *James Woodlocke*, as aforesaid, without any other commission or warrant to be procured or obtained from us, our heirs or successors, for that purpose; AND that the *mayor*, *recorder* and 87
four elder *aldermen* of the said city, for the time being, before they or any of them be admitted to execute the said office of justice of the peace, shall and four
take his and their corporal oath on the holy evan- elder al-
gelists, in form following, *well and faithfully* to dermen
execute the office of justice of peace within the are to be
county of the said city, that is to say, every *mayor* sworn.
of the said city for the time being, before the last
mayor his predecessor, if he be then living, or
before two or more of the *aldermen* of the said city,
for the time being; and the said *recorder* and four
elder *aldermen* of the said city for the time being,
before the *mayor* of the said city for the time being;
to which *mayor* and to two or more *aldermen*
respectively, by these presents, for us our heirs
and successors, WE GIVE and GRANT full power
and authority of tendering and administering
such oath, as aforesaid, without any other com-
mission or warrant to be procured or obtained
from us, our heirs or successors, for that purpose;
AND FURTHER, of our more ample special 88
grace and certain knowledge and meer motion,
WE GRANT to the said *mayor*, *sheriffs* and *citizens*
of the county of the said city, and their successors,
that the *mayor*, *recorder*, and four elder *aldermen*,
in order and degree of the said city, for the time
I 2 being,

Mayor, recorder and four elder aldermen to be justices of the peace for the county of *Waterford*. being, for ever hereafter may and shall be justices of us, our heirs and successors, and every one of them may and shall be justice of us, our heirs and successors, to keep and preserve, or cause to be kept and preserved, our, our heirs and successors peace in the county of *Waterford* in the said kingdom of *Ireland*; and to do, enquire of, and execute all and singular other things in the said county of *Waterford* by themselves, jointly or severally, or jointly and together, with other justices of us, our heirs and successors, appointed and to be appointed to keep the peace in the said county of *Waterford*, which the justices and keepers of the peace of the said county, or of any other county within the said

kingdom of *Ireland*, by the laws and statutes of the said kingdom, could or ought to enquire of, do or execute, as justices of the peace *only*; yet so, that they, or any one or more of them, do not in any wise proceed to the tryal or determination of any treason, murder or felony, or of any other thing or matter, within the said county of *Waterford*, touching the loss of life or member;

90 YET WE WILL, that the *mayor* of the said city, above in these presents named, as aforesaid, before he be admitted to execute the said office of justice of the peace within the said county of *Waterford*, shall take his corporal oath on the holy evangelists before the said *Richard Aylward*, and *Peter Aylward*, knights, and *Thomas Gough*, esq; or before two or one of them, well and faithfully to execute the office of justice of the peace within the said county of *Waterford*; to which *Richard Aylward*, *Peter Aylward*, and *Thomas Gough*, and to two or one of them, we, by these presents, for us, our heirs and successors, DO GIVE and GRANT full power and authority of tendering and administering such oath as aforesaid,

aforesaid, to the said *mayor* above in these presents mentioned, without any other commission or warrant for that purpose to be procured, or obtained from us, our heirs or successors; and that the *mayor*, *recorder*, and four elder *aldermen* of the said city for the time being, before they or any of them be admitted to execute the office of justice of peace, within the said county of *Waterford*, shall take his and their corporal oaths on the holy evangelists, in the form following, well and faithfully to execute the office of justice of peace, within the said county of *Waterford*, that is to say, every *mayor*, for the time being, before the last *mayor* his predecessor, if alive, or before two or more *aldermen* of the said city, for the time being; and the said *recorder*, and four elder *aldermen*, for the time being; before the *mayor* of the said city for the time being; to which *mayor* and to two or more *aldermen* respectively by these presents, for us, our heirs and successors, we GIVE and GRANT full power and authority of tendering and administering such oath, as aforesaid, without any other commission or warrant to be obtained or procured from us, our heirs or successors, for that purpose; AND FURTHER of our more abundant special grace, certain knowledge and meer motion, we for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that they, and their successors, may and for ever hereafter shall have all and all manner of *fines*, *ransoms* and *amerciaments*, for all trespasses and other crimes or causes, and other matters whatsoever committed and to be committed within the said city, or within the county of the said city, suburbs or precincts of the same; as also all and all manner of recognizances, penalties, and forfeitures forfeited, or to be forfeited,

91
Grant of
all fines
and for-
feitures,
&c.

of

of all citizens and inhabitants of the said city residing there, or henceforwards happening to reside there, for our, our heirs and successors peace made, or any other way whatsoever; as also *those* of other residents in the city, or county of the said city, suburbs or precincts thereof, forfeited or to be forfeited to us, our heirs and successors; as also all and all manner of recognizances, obligations, and fines for *licence of concord*, and all and singular other fines, ransoms, amerciaments and forfeitures of the said citizens and residents, as well before the said *mayor*, *recorder*, and *aldermen*, and their successors, as before us, our heirs and successors; and our, our heirs and successors council, in the court of *castle-chamber*; and before us, our heirs and successors, in our, our heirs and successors, court of *chancery*; our, our heirs and successors, justices assigned and to be assigned to hold pleas before us, our heirs and successors; our, our heirs and successors, justices of the *common pleas*; our, our heirs and successors, justices assigned, and to be assigned to *take assises* and *deliver* the goals; our, our heirs and successors keepers and justices of the peace; our, our heirs and successors *treasurer* and *baron* of the exchequer, and the *barons* of the exchequer, clerk of the market, our, our heirs and successors *coroners* and *escheators*; our, our heirs and successors, justices of *oyer and terminer*; and all

Par. 91. LICENCE OF CONCORD, in the common law, signifies the agreement between parties, who intend to levy a fine, how, and in what manner, the lands shall pass: And it is the foundation and substance of the fine, which is taken and acknowledged before one of the judges of the common pleas, or by commissioners appointed for that purpose in the country.

OYER AND TERMINER, is a commission, in *Latin*, *Audiendi et Terminandi*, of *hearing* and *determining*; and it is either *general* or *special*. *General*, when it is directed to the judges of assise,

all other justices, commissioners, or officers whatsoever of us, our heirs and successors, as well within the said city as elsewhere within our kingdom of *Ireland*, forfeited or to be forfeited, done and to be done, imposed and to be imposed, by or for any reason or cause whatsoever, by the *sheriffs* and other officers of the city, or county of the said city for the time being, to be demanded, levied, received and challenged to the sole and proper use and behoof of the *mayor, sheriffs and citizens* of the county of the said city, and their successors; and that it shall be lawful for the said *mayor, sheriffs and citizens*, and their successors, to put themselves in the *seisin* thereof; and *them*, all and singular, to levy, collect, receive, and have, without any impeachment, challenge, or hindrance of us, our heirs and successors, or of our, our heirs and successors, lieutenant in *Ireland*; our, our heirs and successors justices, sheriffs, escheators, coroners, or other ministers and officers whatsoever in *Ireland*, and without giving any manner of account thereof to us, our heirs and successors, ministers and officers in *Ireland* aforesaid; **WE also HAVE GRANTED**, and by these presents, for us, our heirs and successors, **DO GRANT** to the said *mayor, sheriffs and citizens* of the county of the said city, and their successors, that they, and their successors, may for

All fines and forfeitures to the sole use of the corporation.

Power to levy the fines.

92

assise, and other gentlemen of the counties on their circuits, in general to try all offences and offenders; and it usually issues directed to certain justices on any sudden insurrection or great trespass committed, wherein a speedy reformation is required. 4 *Inst.* 162. On the general commission of *Oyer and Terminer*, there goes a precept to the sheriff in the name of the commissioners or justices, bearing date fifteen days before the time of their sessions, in order to return twenty-four persons for a grand jury on such a day, &c. And these justices have power to proceed only upon indictments that are taken before themselves, unless they have a commission of gaol-delivery likewise, or a special one. 2 *Hawk. P. C.* 24.

Waifs and for ever have all and all manner of goods and chattels *waved*, and *strays* from time to time found and to be found within the said city or county of the same city, liberties or precincts thereof, or there for ever hereafter chancing or happening; as also all and all manner of goods and chattels *waved* and to be *waved*, and *strays* of all felons, fugitives, and of persons outlawed, and to be outlawed, of persons condemned and to be condemned, adjudged and to be adjudged *attainted* or that shall happen to be *attainted*; of fugitives convicted and to be convicted, and

Par. 92. GOODS AND CHATTLES WAVED, or as they are called, WAIFS, are such goods as a thief having feloniously stolen, on his being closely pursued, are *waved*, or left by the felon, which become forfeited to the king, or the lord of the manor: And so it is also where a felon has the goods in his custody, and apprehending that pursuit is made, he, for his own ease and more speedy flight, flies away and leaves them behind him; 5 Rep. 109. Though *waif* is properly applied to goods that are stolen, yet it may be also of goods not stolen or taken away; as where a person is pursued with *hue and cry* as a felon, and he flies and leaves his own goods; in this case these shall be forfeited as stolen goods, or what are usually called *fugitives goods*, on its being found before the coroner, or otherwise of record, that he fled for the felony. 2 Hawk. 450.

STRAY, or ESTRAY, signifies any beast not wild, that is found within a lordship, and not owned by any person; in which case it being cried, according to law, in the two next market-towns adjacent, and not claimed by the owner in a year and a day, it becomes the property of the lord of the manor or liberty. Brit. cap. 17.

ATTAINT, is particularly used for such persons as are found guilty of some crime, especially treason or felony. And a person is attainted either by appearance of process: *Attainder* on appearance, is, by confession, or verdict; confession, when the prisoner, upon his indictment, being asked, whether *guilty* or *not guilty*? answers *guilty*, without putting himself on his country: *Verdict*, where the prisoner at the bar pleads *not guilty*, and is found guilty by the verdict of the jury. *Attainder* by process, otherwise termed *attainder* by default or outlawry, is, when the criminal flieth, and is not found, until he has been five times publicly called or proclaimed in the county; on the last

and put and to be put in *exigent* for felony and murder (the goods and chattles of traytors and fugitives flying out of the kingdom of *Ireland* only excepted) and of *felons of themselves*, *deodands*

K

and

last of which, upon his default, he is outlawed. *Staundf. Pl. Cor.* 44, 122, 182. A person *attainted* of high treason, forfeits all his lands, tenements, and hereditaments; his blood is corrupted, and likewise his posterity are rendered base; and this corruption cannot be taken off but by act of parliament. 1 *Inst.* 391.

EXIGENT, is a writ that lies where the defendant, in a personal action, cannot be found, nor any effects of his, within the county, by which he may be attached or distrained: This writ is directed to the sheriff, to proclaim and call the defendant five county-court days, one after another, and charging him to appear under the pain of outlawry. It seems to take its name from *exacting* the party, whose appearance is required, to answer the law; and if he comes not at the last day's proclamation, he is said to be *quinquies exactus*, five times exacted, and then he is outlawed. *Crompt. Jurisd.* 188. Where a person indicted of felony, &c. absents or withdraws himself so long that the writ of *exigent* is awarded against him, such withdrawing will be deemed a flight in law, whereby he is liable to forfeit his goods; and though he afterwards renders himself on the *exigent*, and is found not guilty, 'tis said the forfeiture shall stand. But if the party was in prison, or beyond the seas, he, or his executors, may reverse the award of the *exigent*, by writ of error. 5 *Rep.* 110. 3 *Inst.* 232.

FELONS OF THEMSELVES, or, as they are called, **FELON DE SE'S**, are those that lay violent hands on themselves, and are the occasion of their own untimely deaths; as where a person with deliberation purposely kills himself, by shooting, hanging, drowning, stabbing, &c. But the person that commits this felony, must be of the age of discretion, and *compos mentis*; for if an infant under fourteen years of age, an idiot, a lunatick during his lunacy, or one distracted by a disease, kill himself, it is not felony. 3 *Inst.* 54. After a verdict of *felo de se* brought in before the coroner, the offender forfeits all his goods and chattles real and personal, and this forfeiture is given to the king, on account of the loss of a subject, and the breach of the peace.

DEODAND, is derived from the *Latin* words *Deo* and *dandum*, and signifies a thing given as it were to God, to appease his wrath, where any person is killed by mischance, not by any reasonable creature, and is forfeited to the king, or lord of the liberty,

and other penalties, pains and forfeitures incurred or to be incurred, touching and concerning the said crimes and offences from all and singular citizens residing and not residing within the city of *Waterford*, or within the county of the same city, suburbs, liberties or precincts of the same, and from all other inhabitants whatsoever within the said city, or county of the said city, liberties or precincts of the same, or there found, or hereafter

93 happening to be there found; AND that, if any person ought or should lose his life or member, or should fly and not stand to judgment, or should commit any crime for which he ought to lose or forfeit his goods and chattles, wherever he ought to be brought to justice; let the same goods and chattles of such persons whatsoever, being or hereafter happening to be (except as before excepted) within the said city or county of the same city, suburbs, limits, or precincts of the said city, *be and accrue* to the said *mayor, sheriffs and citizens* of the county of the city of *Waterford* aforesaid, and to their successors for ever; and that it may and shall be lawful for the same *mayor, sheriffs and citizens*, and their successors, by the *sheriffs*, or other officers or ministers of the city, or county of

liberty, by grant from the crown; and if to the king, his *almoner* causes it to be sold, and the produce he distributes to the poor. 2 *Inst.* 57. 5 *Rep.* 110. If a man in driving a cart falls so that one of the cart-wheels runs over him, and kills him, the wheel that was the immediate cause of his death becomes forfeited to the king, or lord of the manor, as *deodand*: And formerly it was held, that not only the cart-wheel, but the cart, and all the horses were forfeited in such a case, because they all moved *ad mortem*. *Bract. lib. 3.* 1 *Nelf. Abr.* 636. Also, where a person that is wounded by any accident, as of a cart, the striking of a horse, &c. dies within a year and a day afterwards, that is *deodand* which did it; even notwithstanding the party sells the same, the stroke being before the sale. *Plowd.* 260.

of the said city, for the time being, in their names, without the hindrance of us, our heirs or successors, or of any of our, our heirs or successors, officers or ministers whatsoever, to put themselves in the seisin of the goods and chattles aforesaid, and them to receive and detain to the use and behoof of the said *mayor, sheriffs and citizens* of the county of the said city and their successors; altho' the said goods and chattles have been before seized by us, our heirs and successors, or by our, our heirs and successors, officers, without giving, paying or doing any accompt or other thing for the same to us, our heirs or successors; AND 94
 moreover for us, our heirs and successors, we GIVE and GRANT to the said *mayor, sheriffs and citizens* of the county of the said city, and their successors, that they, and their successors, may have, hold and keep, and may have power and be able to have, hold and keep within the said city of *Waterford*, or county of the said city, suburbs, or precincts of the same, in any place or places whatsoever, where it shall please or seem most convenient to the said *mayor and sheriffs* for the time being, two markets, that is to say, the one on *Wednesday*, the other on *Saturday*, to be held weekly every year for ever; as also one yearly fair on the morrow or day after the feast of *St. John Baptist*, to hold, be continued and kept for the five days next and immediately following; AND 95
 if the said morrow of *St. John Baptist* shall fall on a *Sunday*, then the said fair shall be commenced and begun the next day after the said morrow, and shall continue for the five days next and immediately following; and that the said *mayor, sheriffs and citizens*, and their successors, may have and take to their own proper use, all and all manner of tolls, profits, commodities and emoluments growing, arising or accruing of, from, or

Goods, &c.
 given to
 the city,
 although
 first seized
 by the
 crown.

Grant of
 two mar-
 kets and
 a fair.

The profits of
 96 the fairs and markets given to the city.
 Power to make a clerk of the market.
 97 To hold a pie-powder-court before the seneschal to be appointed by the mayor and the-
 in the markets and fairs aforesaid, or to be received or levied by reason thereof; AND that they may have power and authority of constituting, making, appointing and ordaining an officer called *clerk of the entries of things bought and sold* in the said market and fair, as also a *clerk of the market*, clerk of the *assay*, clerk of the *saye* in the said city and county thereof; so that no other clerk of the *entries*, *clerk of the market*, clerk of the *assay*, or clerk of the *saye* of us, our heirs and successors, in the said kingdom of *Ireland*, may enter into, or any wise intermeddle to do, perform or execute in our said city and county thereof, liberties or precincts of the same, any thing that belongs to such office of clerk of the *entries*, *clerk of the market*, clerk of the *assay*, and clerk of the *saye*, or any of them; AND that the said *mayor*, *sheriffs* and *citizens*, for the time being, may have and hold a court of *Pie-powder* from day to day, and from hour to hour, in the said city, or in the county of the city of *Waterford*, yearly, during the said fair, before the seneschal of the same court, to be named and appointed by the *mayor*, *sheriffs*, and *citizens* of the county of the said city, and to hold pleas of all things belonging

Par. 96. CLERK OF THE MARKET, is an ancient officer appointed to regulate the weights and measures, by which goods and merchandizes are publickly bought and sold. *The clerk of the market* is to make assays of all weights and measures, and see that they be marked and sealed according to the lawful standard. He has power to hold a court, and may issue process to the sheriffs, or bailiffs, to bring a jury before him. His charge to them is to make inquisition into the state of the markets, and to present all such persons, as use false, or unlawful weights, scales, or measures, or who sell adulterated, unsound, or unwholsome *bread*, *flesh*, *fish*, or any other victuals, or necessities of life. Such offenders are punishable by fine in this court. See *Fleta*, lib. 2. cap. 8, 9, &c 4 *Iust.* 274 16 *Car.* 1. c. 19.

ASSAYE, or SAYE, signifies the examination of weights and measures by clerks of markets, &c.

belonging to a *Pie-powder* court; and also that they may have all and singular issues, profits, emoluments, advantages and forfeitures belonging to the said court, or growing or arising by reason thereof, without the hindrance of us, our heirs or successors, or of our, our heirs or successors ministers or officers whatsoever, and without any account or other thing to be given, paid or done for the same; AND moreover WE WILL, 98 and by these presents for us, our heirs and successors, GRANT to the said *mayor, sheriffs and citizens* The of the county of the said city, and their successors, ^{mayor} that the *mayor* of the said city, for the time ^{to be} being, may and shall, for ever hereafter, be ^{clerk of} the *clerk of the market* within the said city of ^{the mar-} *Waterford* and the county of the same city, suburbs and precincts of the same, and may forever by himself, or his sufficient deputy or deputies, have, perform and execute the *assise* and *assay* of bread, wine, and ale, the keeping and the *assise* of measures and weights, and of all other things whatsoever, which belong to the clerk of the market in the said city of *Waterford*, and county of the city of *Waterford*, liberties and precincts of the same; and may *duely* punish trespasses of the said *assise* of bread, wine, and

Par. 97. COURT OF PIE-POWDER, or *pedis pulverizati*, is a court held in fairs for doing justice to buyers and sellers, and redress of disorders there committed: It is so called, because they are most usually held in the summer, when the suitors to the court have dusty feet called in *French*, *pieds poudreux*; and from the expedition in hearing causes proper thereto, before the dust goes off the feet of the plaintiffs and defendants. 4. *Inst.* 272. This is a court of record incident to every fair; and it is to be held only during the time the fair is kept. For its jurisdiction, the cause of action on any contract, &c. must arise in the same fair or market; and not before at a former fair, or after the fair, and be done, complained of, heard and determined the same day. See 17 *Ed.* 4. c. 2. see also *doctor and student*.

and ale, and may correct and amend the defects of measures and weights, and other things belonging to the office of clerk of the market, so that the clerk of the market of our, our heirs and successors *household*, or any officer of us, our heirs or successors, may not enter into the said city, or county of the said city, liberties or precincts of the same, to do, or execute there, any thing which belongs to the office of clerk of the market; and that all profits of such *assise* and *assay* arising in the said city, and county of the said city, may belong to the *mayor*, *sheriffs* and *citizens*, and their successors, without any account or other thing to be given, paid or done for the same to us, our heirs and successors;

99 AND MOREOVER of our more ample special grace and certain knowledge and meer motion, WE WILL, and by these presents, for us, our heirs and successors, DO GIVE AND GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and to their successors, the great port of the city of *Waterford* aforesaid, between the ingress and entrance thereof between *Rodybanke* and *Rindoane*, and from thence to *Carrigmagriffin*; and all the water betwixt the said bounds and the land and soil covered with water, or *being* between the flowing and ebbing of the

100 sea within the said bounds; AND that they and their successors may and shall for ever have the liberties, privileges and jurisdictions of the said city, and of the county of the said city, in all and singular such branches of the sea, water-courses, places and sea shores within the entrance of the port of the said city, called the *haven*, being between *Rodybanke* and *Rindoane*, unto the places called *Inistioge* and *St. Moline*, in which the water flows and ebbs; and in which no jurisdiction or franchise hath been heretofore granted

by

Grant of
the great
port of
*Water-
ford*.

Lands be-
twixt flux
and reflux
given to
the city.

by the said late queen ELIZABETH, or any of her progenitors or ancestors, to any person or persons, or to any body politick, which now remains in legal force and effect, in as large and ample manner and form, as it hath been used from the entrance of the said port unto *Carrig*, otherwise *Carrigmagriffin* aforesaid; and that all and singular such places are, and for ever hereafter shall be, within the limits, precincts and jurisdiction of the county of the said city, or of the said city, in as ample manner and form, as any part of the said port called *the haven* is now or was in the fourteenth year of our late dear father, or is established by these presents; AND FURTHER of 101
our more abundant grace we, for us, our heirs and successors, DO GIVE and GRANT to the said *mayor, sheriffs and citizens* of the county of the said city, and their successors, that all and all manner of ships, boats or other vessels whatsoever, which shall go into, or enter the great port of *Waterford* aforesaid, between *Rodybanke* and *Rindoane*, may load and unload at the quay of the city of *Waterford* aforesaid, and no where else within the said port, but may be loaded, and discharged, at the quay of the said city of *Waterford*, of all and singular wares, commodities, or merchandizes, goods, chattles, and things whatsoever hereafter put or to be put, loaded or to be loaded in them or any of them, and not elsewhere within the said port, unless with the special licence of the *mayor* of the city of *Waterford* aforesaid, or his deputy lawfully appointed, as aforesaid; and that all and singular wares, commodities, merchandizes, goods, chattles, and things whatsoever hereafter discharged or unloaded, to be discharged or unloaded at the quay of the said port of the city of *Waterford*, shall be exposed and offered to sale to the

All ships
and vessels
coming
in to un-
load at the
quay of
Waterford
and not
elsewhere.

the *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, there dwelling, and not to any foreigner or stranger, foreigners or strangers within the said port of the city of *Waterford* aforesaid, (all towns and boroughs incorporated by us, or our ancestors, situate in and upon the said port or river there, and the inhabitants of those towns or boroughs, where the water doth flow and ebb, only excepted;)

102 SAVING also that the sovereign, provost, burgesses and community of *New Ross*, otherwise *Ross-pontis*, in the county of *Wexford*, and their successors for ever, may enjoy and use all and singular liberties, franchises, immunities and privileges, which they of right have used at any time heretofore, or before the tenth year of the reign of *Henry*, the seventh of that name, late king of *England* and *France*, and lord of *Ireland*, or afterwards by reason of any act of parliament, or by reason of any charter or grant of any of our forefathers or ancestors, or by reason of any lawful prescription; any thing in these presents granted or mentioned to be granted notwithstanding; AND FURTHER WE WILL, and,

103 DO GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that the *mayor*, *sheriffs*, and *citizens* of the county of the said city, for the time being, and their successors, may and shall have the office of *admiralty* of all things belonging to the *admiralty* within *Rodybanke* and *Rindoane* aforesaid, as far as *Portlick*; as also power of holding a court of *admiralty* there, and therein to do all things, and to enquire of and determine all things, that belong to a court of *admiralty*; AND

104 that neither our, our heirs or successors, admirals of *England* or *Ireland*, nor any lieutenant,

nor

Saving to
the corpo-
ration of
New Ross.

Admiralty
jurisdiction
given
to the cor-
poration.

nor deputy, or officer belonging to them, may enter the city or county of the city of *Waterford* aforesaid, or the suburbs, port, mears, bounds or precincts of the same, either by land or by water, to exercise or do any thing in execution of his office there; nor shall they, nor any of them, in any wise busy themselves there about the same; but the jurisdiction, authority and execution of such office of the admiralty of us, our heirs and successors, for the future, to be done and executed within *Rodybanke* and *Rindoane*, as far as *Portlick* aforesaid, as also every where else within and through the whole port aforesaid and the limits thereof, as well by land as by water, may for ever belong to the *mayor, sheriffs and citizens* of the county of the said city for the time being; and all fines, amerciaments, forfeitures and other profits whatsoever, to the said office belonging, within and through the whole port aforesaid, and limits thereof, as well by land as by water, may be converted to the use of the said *mayor, sheriffs and citizens* of the county of the city of *Waterford* aforesaid, and their successors, to the advantage of the said city, without any account to be given, paid or rendered to us, our heirs and successors, for the same; SAVING always to our, our heirs and successors, HIGH ADMIRAL of *England* or *Ireland*, for the time being, all the goods and chattles of pirates, and *wrecks* of the sea; AND

Saving for
the admiralty of
England
105
or *Ireland*.

106

L

FURTHER

Par. 105. WRECK, is where a ship is perished on the sea and no person escapes alive out of her, and the ship or any part thereof so perished, or the goods of the ship come to the land of any lord, and are there left; in which case the lord shall have the same as a *wreck* of the sea: But if a man or a dog, or other living creature escape alive out of the ship, so that the party to whom the goods belong may be known, and he come within a year and a day and prove the goods to be his, he shall have them again: And it is held they are no *wrecks* so long as they remain at sea within the jurisdiction of the admiralty. 2 *Inst.* 167. See the statute of 12 *Ann.* cap. 18.

FURTHER, of our more abundant special grace and certain knowledge and meer motion, WE HAVE GIVEN and GRANTED, and, by these presents, for us, our heirs and successors, DO GIVE and GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, for ever, all that our great custom, commonly called *cocquet*, accruing and any ways arising in the said city, or county of the said city, or port, liberties or franchises of the same, and payable and to be paid by any persons whatsoever, as well by land as by water or sea, together with all rewards, fees, profits, sums of money, and emoluments incident or belonging to the said custom; as also our, our heirs and successors seal belonging to the said custom; to be received, taken, levied and enjoyed by the *mayor*, and *sheriffs*, there for the time being, or by a fit person or persons to be named, appointed or elected by the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, without giving or paying any account, or any other thing to us, our heirs or successors, or to our, our heirs or successors, officers for the same;

107 SAVING always and reserving to us, our heirs and successors, our little custom, that is to say, the payment of three pence in the pound for all merchandizes imported and exported, to be paid by *alien merchants* only, and not by the *citizens* of the city of *Waterford* aforesaid; and saving and reserving always to us, our heirs and successors, the custom or subsidy of poundage, that is to say, the payment of twelvepence in the pound for all merchandize imported and exported, to be paid

Grant of
the great
custom
and the
seal there-
of to the
city.

The
little cus-
toms saved
to the king
and to his
successors.

Par. 106. COCQUET, is eight pence, for every dicker of eat her exported. A dicker consists of ten hides.

paid as well by merchants, who are natural born subjects, as alien merchants (but the *citizens* and *inhabitants* of the said city of *Waterford*, who are or shall be free of the said city, by right of BIRTH, MARRIAGE OR APPRENTICEHOOD, and dwelling within the said city or county of the same city, and not otherwise, or in any other manner, excepted;) AND FURTHER, WE HAVE GIVEN and GRANTED, and by these presents for us, our heirs and successors, DO GIVE and GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, for ever, and to any person or persons whatsoever, to be named, appointed or elected by the said *mayor*, *sheriffs* and *citizens*, or their successors, leave, power and authority of using and exercising in the county of the city, and in the said city, precincts, port, liberties and franchises thereof, our, our heirs and successors stile, name and seal of *cocquet*; and of writing and making letters pattent, warrants and acquittances under the said seal to all persons there paying the said great custom of *cocquet*; comprehending the same form which our late dear father did write in *his* letters; and as the customers of our forefathers, or ancestors of old, did use to do and write, when the said custom was in the hands of our said forefathers or ancestors; as also of doing all other things incident touching, belonging or appertaining to the said *cocquet*, or office of customer, without any impeachment, molestation, interposition or trouble of us, our heirs or successors, or of our, our heirs or successors, lieutenant, deputy, officers or ministers whatsoever in the said kingdom of *Ireland*; AND MOREOVER of our special grace, certain knowledge and meer motion, WE, for us, our heirs and successors, DO GIVE and GRANT to the

Saving for
the free-
men of
the said
city.

108

109

Freemen *mayor, sheriffs and citizens* of the county of the
inhabitants city of *Waterford* aforesaid, and their successors,
dis- that all and singular the citizens and inhabitants of
charged the said city of *Waterford*, and county of the
from pay- city of *Waterford*, and their successors, citizens
ing the and inhabitants of the county of the same city,
custom of who now are and hereafter shall be free *citizens*
twelve and *inhabitants* of the said city by right of BIRTH,
pence *per* and *inhabitants* of the said city by right of BIRTH,
pound. OR MARRIAGE, OR APPRENTICEHOOD, and not
otherwise, or by any other way or manner, for
all their goods and merchandizes whatsoever,
and every of them within the said city of *Water-*
ford, and the port, precincts, liberties, franchi-
ses and county of the same city; and in all and
singular other ports, creeks and places whatso-
ever, within our said kingdom of *Ireland*, may
be for ever *freed and discharged* against us, our
heirs and successors, lieutenant, deputy, officers
and ministers whatsoever of us, our heirs and
successors, from theustom or subsidy called *poun-*
dage, that is to say, of giving or paying twelve-
pence in the pound for the value or price aforesaid;
of goods, chattles or merchandizes, hereafter to
be collected, levyed or paid, as well by land as
by water, for us, our heirs or successors, by
any one or more lieutenant or deputy general
of the kingdom of *Ireland*, by our, our heirs or
successors customer, collector, receiver, ministers
or officers whatsoever of our said kingdom of
Ireland, or by any others in the name and stead
of us, our heirs and successors, without giving or
paying any account, sum of money, or other
thing whatsoever, to us, our heirs, or successors,
for the same, and without impeachment or hin-
derance of us, our heirs and successors, of
our, our heirs or successors lieutenant or go-
vernor, or governors or deputy, collector or
customer or other officers or ministers whatsoever
of

of us, our heirs or successors; SAVING and re- 110
 serving always to us, our heirs and successors,
 out of this grant, the said custom or subsidy of
poundage to be paid by all and singular merchants,
 as well natives as ailens, who are or shall not
 be free of the said city by BIRTH, MAR-
 RIAGE, OR APPRENTICEHOOD, and dwelling
 in and within the city of *Waterford*, or
 county of the same city, as aforesaid; and
 that no officer or minister of us, our heirs or suc-
 cessors, nor our, our heirs or successors lieutenant,
 governor or governors, or deputy of our said
 kingdom of *Ireland*, may in any wise hereafter
 enter into the said city, port, precincts, liberties, ^{Freemen}
 franchises or county of the same city, nor in any ^{inhabi-}
 other port, creek or place within our said king- ^{tants to}
 dom of *Ireland*, to collect or receive any such ^{be dis-}
 custom or poundage of any such citizens and in- ^{charged in}
 habitants of the said city of *Waterford*, who now ^{all ports of}
 are or hereafter shall be discharged of the said ^{the king-}
 custom, in manner and form aforesaid, nor to ^{dom.}
 meddle with any goods or merchandizes of such
 citizens at any time hereafter brought, or being
 there, for any such custom or *poundage*; and all
 those things without paying or giving any account
 or other thing to us, our heirs or successors, or to
 our lieutenant or deputy, or to any other gover-
 nor or governors of us, our heirs or successors,
 of our said kingdom of *Ireland*, for the said goods,
 chattles or merchandizes, or any part of them,
 or for any sums of money for the same, or any
 parcel of them; WE also WILL, and by these 111
 presents for us, our heirs and successors, grant to
 the said *mayor*, *sheriffs* and *citizens* of the county of
 the said city, and their successors, that they and
 their successors be for ever hereafter *discharged*
 of all and singular neglects and involuntary
 escapes of felons, and of all persons whatsoever con-
 demned

demned (all escapes of traytors and other voluntary escapes of felons and murderers only excepted;) AND FURTHER WE WILL, and by these presents for us, our heirs and successors, DO GRANT to the said *mayor, sheriffs* and *citizens* of the county of the said city, and their successors; that they and their successors, as also all and singular citizens and inhabitants of the same city, for the time being, and time to come, may be discharged of *toll, lastage, passage, pontage, murage, pilage, and pannage*, and of all other customs through all the lands and dominions of us, our heirs and successors; and that no citizen or inhabitant of the said city, be indicted for any *mercy* of money, unless according

Exempted from all tolls and customs throughout the king's dominions.

Par. 112. TOLL, is properly a payment in towns, fairs and markets, for goods bought and sold there; and sometime 'tis taken for a liberty as well to take as to be free from *toll*. 2 *Inst.* 220.

LASTAGE, signifies a custom or toll exacted in fairs and markets, to carry any thing bought where one will, as defined by *Rastal*; or it is that custom which is paid for wares sold by the *last*; also the ballast or lading of a ship.

PASSAGE, is used for the hire a person pays for being transported or carried over sea, or over a river; this word being properly applied to water, as *way* is to land.

PONTAGE, signifies a contribution made towards the maintenance or repairing of a bridge; but sometimes it is taken for the toll paid by the passengers for that purpose. See 3 *Eliz. c.* 24.

MURAGE, signifies some reasonable toll to be taken of every cart and horse that brings lading thro' a city or town, for the building or repairing the publick walls thereof, and is due either by grant or prescription.

PANNAGE, is the food that swine feed upon in the woods, as mast of beech and acorns, &c. It is also the money which is taken by the *agistors* for the feeding of hogs in the king's forest. *Crompt. jurisd.* 155.

MERCY, OR MISERICORDIA, signifies an amercement or fine set on any person for an offence; as where a plainriff or defendant in any action is amerced, the entry in latin is *ideo in misericordia*, &c. It is said to be called *misericordia*, for the reason,

ing to the law of the *hundred*, that is to say, by forfeiture of forty shillings, of which half shall be forgiven, and the other half shall be given or returned in *mercy*; except three *mercies*, that is to say, of *bread*, *ale* and *watching*, which may be in *mercy* of two shillings and sixpence, that is to say, the half, for the first time, shall be forgiven, and the other half shall be returned in *mercy*; and that the *mayor*, *sheriffs* and *citizens* of the county of the said city for the time being, and their successors; as also all and singular the citizens and inhabitants of the said city, for the time being, and time to come, and each of them, may have power to distrain his debtors in the city of *Waterford* aforesaid, and in the county of the same city, liberties, and precincts thereof, by *foreign attachments*, and not by their own *distresses*, as it is used

son, because the amercement ought to be but small, and less than the offence, by *magna charta*, c. 14. Therefore if a person be outrageously amerced in a court that is not of record, the writ called *moderata misericordia* lies for moderating the amercement according to the quantity of the fault. *Bract. lib. 4.*

HUNDRED, is a part of a county, which used to contain *ten tithings*, and an *hundred* families, and therefore it is so called, or for that it found an hundred able men for the king's wars. After the division of *England* into counties by king *Alfred*, and the government of each county was given to a sheriff, those counties were subdivided into *hundreds*, of which the constable was the chief officer. The grants of *hundreds* at first proceeded from the king to particular persons, but such may not be now held by grant or prescription, and their jurisdictions are devolved to the county-court, except of a few only that have been by privilege annexed to the crown, or granted to some great subjects, and remain still in the nature of a franchise. *West. Symb. lib. 2.*

FOREIGN ATTACHMENT. *Attachment* in the common use of the word, is an apprehending a man by his body, to bring him to answer the action of the plaintiff: And *foreign attachments* are used to attach the goods of foreigners found within a city or liberty for a debt due to a creditor; and by the custom of some places, as *London*, &c. a person may *attach* the debtors goods or money, that are in the hands of a stranger: As if *A.* owes to *B.*

No merchant
stranger
to sell by
retail.

Forfeiture
of the
goods or
the value
of them.

used and accustomed in other cities, boroughs or towns incorporated within our kingdom of *England* or our said kingdom of *Ireland*; and that no merchant stranger, not being free of the said city, may sell or expose to sale, or shall cause to be sold or exposed to sale any merchandizes, wares or commodities within the said city of *Waterford*, liberties or precincts of the same, or within the county of the said city, otherwise than in *gross*, and by no means, *directly* or *indirectly*, by *retail*, unless it be in the time of a fair or market there, under the penalty of forfeiting all such wares, merchandizes and commodities, so as aforesaid to be sold or exposed to sale, contrary to the tenor of these presents, or the price of them to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors; and that it may and shall be lawful for the same *mayor*, *sheriffs* and *citizens*, and their successors by their proper officers or ministers to seize and levy, according to the custom of the kingdom of *Ireland*, the said goods, wares or merchandizes, or the price of the same so as aforesaid happening to be forfeited; and the same so seized, and levied, to have, receive and retain to the proper use and benefit of the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, without giving, paying or doing any account or any other thing to us, our heirs or successors for the same; and that no merchant or other stranger,
not

ten pounds and *C.* has any of *A.*'s goods in his hands, or owes *A.* money, *B.* may attach the goods or money in *C.*'s hands, to satisfy him part or all according as the debt is. And in this *attachment C.* (called the *garnishee* is) to shew cause why *E.* should not condemn the money, &c. *attached* in his hands, as the money of *A.* to the use of *B.* on his entering an action against *A.* By putting in bail, the *attachment* is dissolved; but then the security will be liable to what debt the plaintiff shall make out to be due to him. See *Cro. Eliz.* 691.

not free of the county of the said city, or of the said city, may sell or buy from another stranger, any merchandizes, wares or commodities within the liberties of the said city, or county of the said city, upon pain and forfeiture of the same wares, merchandizes and commodities, so, as aforesaid, to be sold or exposed to sale contrary to the tenor of these presents, or the price of the same, to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors; and that it may and shall be lawful for the same *mayor*, *sheriffs* and *citizens*, and their successors, by their proper ministers and officers, to seize the said wares, commodities and merchandizes, or the price of the same, so as aforesaid happening to be forfeited, by virtue of these presents; and the same to levy according to the law and custom of the said kingdom of *Ireland*; and the same thus seized, and levied, to have, receive and retain to the proper use and benefit of the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, without giving, paying or doing any account or other thing to us our heirs or successors for the same; AND FURTHER for us, our heirs and successors, WE GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that they may have all their reasonable guilds as the *mayor*, doth.

M

Par. 113. GUILD, signifies a fraternity or company, and for this reason, viz. that every one was to pay something towards the charge and support of the company. As to the original of these guilds or companies, it was a law among the *Saxons*, that freemen should find sureties to keep the peace, or be committed; whereupon the neighbours entered into an association, and were bound to produce the person that committed any offence, or to make satisfaction to the injured party, in order to do which they raised a sum among themselves, which they put into

mayor, burgeses and commonalty of the city of Bristol have, or to the utmost used to have; and that they may have power and be able to distinguish and divide themselves into several fraternities, societies, and mysteries; and that no fraternity or guild within the said city, or county of the said city, may have power, authority and jurisdiction of FRAMING, CONSTITUTING, ORDAINING, and MAKING any statutes, laws, ordinances, institutions or constitutions to bind any citizen or inhabitant of the said city, or county of the said city, unless they first have, or shall have authority, power and licence from the mayor, sheriffs and citizens of the said city, for the time being, under their common seal, for making such laws, ordinances and constitutions; and we hereby for us, our heirs and successors, declare and decree, that all and singular laws, statutes, ordinances and constitutions to be made by any fraternity or guild within the city, or county of the said city, (such licence not first had) are absolutely null, void, and of no effect; and of our more abundant special grace, and certain knowledge and meer motion, WE WILL, and by these presents, for us, our heirs and successors, GRANT to the said mayor, sheriffs and citizens of the said city, and their successors, that no citizen of the said city for the time being, or time to come, may combat for any appeal of treason or felony within the city,

Guilds or fraternities cannot make laws without licence from the mayor.

Not to combat for any appeal of treason or felony.

into a common flock, and thereout, on occasion, made a pecuniary compensation according to the quality of the offence committed; and hence came our fraternities and guilds, which were in use long before any formal licences were granted for them: But now they are a company joined together with laws and orders made by themselves, by the licence of the prince; and guild-halls signify the halls of any such society or fraternity, where they meet and make laws for their better government. *Camb.*

MAY COMBAT FOR ANY APPEAL OF TREASON, FELONY, &c.

city, or county of the said city, suburbs, port or bounds afore said, or elsewhere, nor, for that purpose, be compelled to go out of the said city; **AND FURTHER** for us, our heirs and successors, **WE GRANT** to the said *mayor, sheriffs* and *citizens* of the county of the said city, and their successors, that they, and their successors, for ever hereafter may have the custom called the *murage* of all saleable things and merchandizes bought or sold, to be bought or sold, within the said city, as *well* and *fully* as the *mayor, sheriffs* and *commonalty* of the city of *Bristol* have, or to the utmost were accustomed to have, without any account to be rendered, paid or given to us, our heirs or successors; and that no *citizen* of the said city may be compelled to *bail* any one, unless

114

Grant of the murage.

M 2

he

Exc. It was formerly a custom in these northern countries to determine all differences, both *criminal* and *civil*, by the sword or batons. This form of proceeding was built on a presumption that God would never grant the victory, but to him, who had the best right. The form and ceremony of the *combat*, is described in the grand *coutumier* of *Normandy*. The accuser first swore to the truth of his accusation; the accused gave him the lye: upon which each threw down a gage or pledge of battle; and the parties were committed prisoners till the day of combat. The defendant in appeal, or accusation of murder, might fight with the appellant, or accuser, and thereby make proof whether he were guilty or innocent of the crime laid to his charge: And if the defendant vanquished the appellant, he was supposed to be innocent, and should thereupon bar the appellant of his appeal for ever: but if the defendant were vanquished, or would not fight, he was adjudged immediately to be hanged. This gave rise to ancient *knight-errantry*, and modern *duelling*. See *Glanv. lib. 14. Bract. lib. 3. Smith de repub. Angl. lib. 2. 2 Hawk. P. C. 426.*

Par. 114. **MURAGE**, signifies some reasonable toll to be taken of every cart and horse that brings lading thro' a city or town, for the building or repairing the publick *walls* thereof, and is due either by grant or prescription.

COMPELLED TO BAIL ANY ONE, &c. By ancient custom, the tenant was under the protection of his landlord, who was, upon all occasions, bound to bail him. By this article, the *citizens* are exempted from this custom.

he himself *will*, although he be dwelling upon his land; and that they have all tenures and all and singular lands and tenements within and without the walls of the said city, as far as the said bounds, that is to say, from the great port of the said city, which enters betwixt *Rodybanke* and *Rindoane* as far as *Carrick* by water, and by the land covered with water, as far as the pill of *St. Catherine* reaches to the bounds of *Kilbarry*, and from thence to the bounds of *Cloncredane*, and from those bounds to the bounds of *Portfichin*; to dispose thereof at their will by the common assent of the *mayor*, *aldermen* and *assistants* of the said city for the time being; TO HOLD in Burgage-tenure; and that the said *mayor*, *sheriffs* and *citizens*, for ever hereafter, may have all lands, and waste places, which are comprehended within the said bounds, to be built upon, or otherwise disposed of, at their will; and that neither any justice, nor any other bailiff or officer of us, our heirs or successors, may take any thing within the said bounds against the will of the said citizens, unless it be for the eminent disinheri-
 115 tance of us, our heirs or successors; and that they may have *wood* in the entrance of the said port, or within the said port, on each side of the water, as far as the waters lengthen or extend themselves, sufficient to repair, raise and build the said city; and that no itinerant justices, or other justices of assise, for the county of *Waterford*, nor any other officer of us, our heirs or successors, may trouble, nor shall compel the said *citizens*, or any of them, for the time being, to come before them, or any of them, out of the said

Citizens
not to be
troubled
out of the
city.

Par. 115. BURGAGE, is an ancient tenure from the crown. It is supposed to be held immediately from the king, as the head and sole landlord, for a valuable consideration. It is a tenure proper to boroughs and cities.

said city, either at our, our heirs or successors
 suit, or at the suit of any other complainants
 whatsoever; and that they may do whatsoever
 belongs to them, to the said citizens, and their
 successors, within the said city, liberties, precincts
 and county of the said city; and that the said ci-
 tizens, and every of them, may have power to
 dispose of all their lands and tenements, rents
 and tenures within the mears and bounds of the
 said city, and, by their last will and testament,
 at their pleasure, to *devise* the same for ever, as
 chattles; and that no justice, nor any other offi-
 cer, bailiff or minister of us, our heirs or succe-
 ssors, may take any thing for the goods or mer-
 chandizes of the said citizens, or those coming in-
 to the market of the said city, or county of the said
 city, against the will of those whose chattles they
 shall be; and that no stranger may have a *wine-
 tavern* in the said city, or county of the said city,
 liberties or precincts of the same, unless it be in
 a ship; BUT this liberty reserved to us, our heirs
 and successors, that out of every ship which shall
 happen to come there with wines, the *mayor* of
 the said city, for the time being, (the *sheriffs*
 of the said city, for the time being, or one of
 them being present,) shall for us, our heirs and
 successors, choose two hogsheds of wine,
 wheresoever he will in the ship, that is to
 say, one before the mast and the other behind
 the mast, for the use of us, our heirs and succe-
 ssors, for forty shillings, that is to say, the one for
 twenty shillings and the other for twenty shillings;
 and

Power to
 dispose of
 and devise
 their
 lands, &c.

No stran-
 ger to have
 wine-ta-
 vern.

116

Out of eve-
 ry ship load
 of wine two
 hogsheds
 for the
 king at
 twenty
 shillings
 of which
 the mayor
 shall have
 one.

Par. 116. SHALL CHOOSE TWO HOGSHEADS OF WINE,
 &c. It is uncertain whether an hoghead or tun be here re-
 served: *Dolium*, implying as well the one as the other. But as
 the price is since ascertained, it is not material. This is the
 origin of the custom of *prisage*, or *Butlerage*, now so well known
 to all the merchants of this city.

Cloths
not to be
sold by fo-
reigners.

117
Foreigners
to contri-
bute for
the support
of the
tallage.

and that having chose two hogsheds of wine out of every ship, as aforesaid, the said *mayor*, *sheriffs* and *citizens* of the county of the said city, for the time being, may have one of the said hogsheds of wine so taken, for the said price of twenty shillings for and towards the *support* of the said city; and that no foreigner may sell *cloths* in the city of *Waterford* aforesaid, or in the county of the said city, liberties or precincts thereof, to be cut; and that the said citizens, and their successors, may not be put with *foreigners*, nor foreigners with the said citizens in *assises* of juries, or any *inquisitions*, which have arisen, by reason of any foreign business, or by reason of lands and tenements within the county of the said city or within the said city, or liberties aforesaid, during their stay in the said city or county of the said city; and that they may not be convicted by foreigners, but by their fellow-citizens of any pleas, there arising, unless it touches us, our heirs or successors, or the community of that city; AND FURTHER, of our more ample special grace, and certain knowledge and meer motion, we WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and to their successors, that all *foreign* merchants, who shall buy or sell merchandizes in the said city, or liberties or precincts of the county of the said city, according to the form of the *statute staple*, may according to the quantity of the thing bought or sold, pay and be obliged to pay an *aid* and *contribution* to support the *tallage* and other expences incumbent on the said city, and may,

Par. 117. TALLAGE, signifies a share of a person's substance, paid by way of tribute, toll or tax: And it is also a general word for all taxes. 2 *Inst.* 532.

may, as far as it is *just*, be compelled to this as any citizen of the said city can be compelled; and that the said citizens may have power and be able to carry and export merchandizes of the growth and produce of the land of *Ireland* (corn, for the time forbidden, only excepted) to *England*, *Gascogn*, and other parts in league and friendship with us, our heirs and successors, provided it be not contrary to any proclamation set forth to that purpose; KNOW also, that we, for and in consideration of building and maintaining the *Blocke-house* at *Passage*, within the port of the said city, for the defence of ships and boats coming into that port, of our special grace for us, our heirs and successors, DO GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that it may and shall be lawful for them, and their successors and officers, for that purpose by them lawfully appointed, to ask, levy, have, receive, and take, as well of every fishing boat, or vessel, which shall come, enter into, or be brought from sea into any creek, quay, sea-shore or sea-shores, arm of the sea, or into any other place or places from the port, or within the port of *Waterford* aforesaid (commonly called *the haven of Waterford*) with fish, or in order to fish, as of any other boat or vessel, in which men fish within the said port, toll, duty or profit, that is to say, of or for every boat or vessel, in which men fish for *Herrings*, for the whole season of fishing, one mease of *Herrings*, commonly called *castle-mease* of *Herrings*, and of and for every other boat or vessel, in which men fish, for any other kind of fish, one principal and best fish (commonly called a *chief* or *principal fish*,) or one of such principal fishes being or happening to be in such ship, boat or fishing vessel, as often as every such boat

Power to export the growth of the country.

118

Duty for fishing.

Castle-mease of herrings.

or

or fishing vessel shall come, be brought or arrive after their fishing at sea, to or into the said port, and as often as such ship, boat or fishing vessel shall come into the said port or any part thereof; and the said toll, duty and profit of fish, so received and had by the said *mayor, sheriffs and citizens* of the county of the said city, or by their officers, for ever to enjoy for the benefit and use of the said *mayor, sheriffs and Citizens* and their successors, as of our special grace and gift, without and account to be made, or other thing to be given or done for the

119 same to us, our heirs or successors; SAVING al-
 Saving the ways to every person, his heirs and assigns, his
 royalties of royalties within the said port, by reason of any
 others. letters patent granted by any of our forefathers or ancestors; as in the said grants or letters pa-

120 tent is more fully manifest and apparent; AND
 WHEREAS the *sheriffs* of the county of the city of *Waterford* aforesaid, being far distant from our *exchequer*, in our city of *Dublin* in our said kingdom of *Ireland*, were, to their great damage and prejudice, compelled to give in their accounts yearly and oftner at the said *exchequer* which other-

121 *Waterford*; WE, willing, to extend our royal
 How the favour and grace in this particular, HAVE
 sheriffs GRANTED, and, by these presents, for us, our
 shall pass heirs and successors, DO GRANT to the said *mayor,*
 their ac- *sheriffs and citizens* of the county of the city of
 counts. *Waterford* aforesaid, and their successors, that the
sheriffs of the county of the said city, for the
 time being, from time to time hereafter for ever,
 by themselves, or their sufficient deputies, or at-
 torneys, to be deputed under their seals, may ac-
 count and render their accounts of their farms,
 revenues and sums of money from time to time
 in their hands being, due or payable to us, our
 heirs or successors, or with which they can and
 ought

ought to be charged for us, our heirs or successors; and of other things, concerning their accounts, before the auditor or auditors to be assigned by us, our heirs or successors, or by our, our heirs or successors deputy or lieutenant of the said kingdom of *Ireland*, or by the chief baron, or by the court of exchequer of the said kingdom for the time being, in such manner and form, as the *sheriffs* of the said kingdom pass or are wont to pass their accounts yearly at our said *exchequer* of *Ireland*, and for want of such auditor, before our, our heirs or successors justices of assise to be assigned within the said kingdom of *Ireland*, when they shall happen to come to the said city of *Waterford* to the general assises or sessions from time to time to be held for the said county of *Waterford*, or for the said county of the city of *Waterford* at the election of the said *sheriffs*, and not elsewhere; and that they may be admitted to give in, as aforesaid, by themselves, or their deputies, or attorneys, all accounts from time to time to be rendered by them; and that hereafter, they may not be obliged or in any wise compelled to tender or publish their accounts at our said *exchequer*; commanding and charging the barons of the said *exchequer*, of us, our heirs and successors, for the time being, that the *sheriffs* of the county of the said city, for the time being, may not be compelled by writs, processes, attachments, or otherwise, to make up their accounts, at any time, at the said *exchequer*, unless they refuse to give in their accounts before the auditor or auditors aforesaid, or the justices of assise, as aforesaid; any statute, act, use or custom to the contrary notwithstanding; AND WHEREAS by a statute made in a parliament held in *Dublin* in the eleventh year of the reign of our late most dear

Sheriffs
may ac-
count be-
fore the
judges of
assise.

Exporta-
tion of
sheep-
skins with-
out duty.

sister ELIZABETH late queen of *England, France, and Ireland*, amongst other things it stands enacted, that whatsoever person or persons should, after the last day of *September*, in the year of our lord one thousand five hundred and sixty nine, put or load in any ship, skiff, boat or vessel /any sheep-skins, with an intention to transport them out of the kingdom of *Ireland* aforesaid, should pay to the said queen, her heirs and successors, four pence sterling for every such skin, as a custom to be paid for the same, over and above other customs granted and reserved to other persons by the said statute, as by the said

123 statute is more fully manifest ; KNOW YE that WE, for and in consideration of the *good, true and faithful* service in time heretofore manifoldly done and performed by our *beloved and faithful* citizens of our city of *Waterford* aforesaid, to us and our ancestors ; and for the better *relief and maintenance* of the said citizens, of our special grace and certain knowlege and meer motion, HAVE GIVEN and GRANTED, and by these presents, for us, our heirs and successors, DO GIVE and GRANT to the said *mayor, sberiffs and citizens*, of the county of the city of *Waterford* aforesaid, and their successors for ever, and to each and every one of the citizens of the said city, full licence, power and authority of imbarking, shipping and loading and transporting all and singular sheep-skins out of the port of the said city of *Waterford*, and out of all and singular creeks and places within the said port unto the port of our city of *Bristol*, and to all other convenient ports in our said kingdom of *England*, without paying the said custom of four pence for every sheep-skin to us,

124 our heirs or successors ; AND further, of our more abundant special grace, certain knowlege and meer motion, WE WILL, and for us, our heirs and successors, grant to the said *mayor, sberiffs and*
citizens,

citizens, and to every citizen of the said city, that the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and every citizen of the said city, and their successors for ever, from time to time may have power, and be able to GIVE and GRANT full licence, power, and authority to all and singular our, our heirs and successors liege subjects of loading and exporting all and singular sheep-skins out of the port of the said city of *Waterford* to the said port of *Bristol*, and to any other convenient ports in our said kingdom of *England*, without paying the said custom of four pence for every skin in the form aforesaid; and also that the said *mayor*, *sheriffs* and *citizens*, and their successors for ever, may have power and be able to compound, bargain and agree with all and singular our, our heirs and successors, liege subjects for the said custom of four pence to be paid in the form aforesaid, without giving any account of the same to us, our heirs or successors; the said statute or any clause or provision therein contained, or any other statute, act, ordinance, provision, proclamation, restriction, mandate, use or prescription, or any other thing, cause or matter whatsoever to the contrary notwithstanding, AND further WE WILL, and by 125 these presents, for us, our heirs and successors, *strictly* CHARGE and COMMAND that no other offi- To levy
cers or ministers of us, our heirs and successors, taxes.
of our kingdom of *England*, or kingdom of *Ireland*, who now are, or hereafter shall be, shall imprison, molest, vex, implead, or shall cause or suffer any citizen or citizens of our said city of *Waterford*, or their servants, factors, attorneys, or their goods to be imprisoned, molested, vexed or impleaded for the said custom, or for exercising or doing any thing or things whatsoever, to which this our grant and gift extends itself;

- 126 AND FURTHER WE WILL, and, by these presents, *strictly* CHARGE and COMMAND all and singular our, our heirs and successors, officers and ministers, for the time being, that they, upon shewing or exhibiting these our letters patent, or the *exemplification* of them under the great seal of our kingdom of *England* or *Ireland*, may cause all and singular persons, who shall be imprisoned, molested, vexed or impleaded, contrary to the effect or intention of the same, or any thing contained in them, to be set *free* and *discharged*;
- 127 AND WE likewise WILL and COMMAND, that they shall cause to be *safely* delivered to them all such goods, merchandizes and other things whatsoever, which any way shall be taken, seized or detained from them, contrary to the effect and intention of these our letters patent; notwithstanding the said statute, or notwithstanding any other statute, act, ordinance, provision, proclamation, use, prescription or restriction enacted
- 128 to the contrary; AND WE further WILL, and, by these presents, for us, our heirs and successors,
- Power to tax. to GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that the *mayor*, *sheriffs*, *aldermen* and *assistants* of the said city, for the time being, or the greater part of them (of which the *mayor* for the time being, WE WILL to be one) may and shall, from time to time, have full power and authority, as often as it shall seem fit and necessary to them, *reasonably* to tax and assess as well all citizens and inhabitants, residents and dwellers

Par. 126 EXEMPLIFICATION, is a transcript or duplicate of letters patent made from the inrollment thereof, and sealed with the great seal; and these exemplifications are as effectual and may be shewn or pleaded, as the letters patent themselves; but this is by statute, for they were not pleadable at common law. 5 *Rep.* 53.

ers within the county of the said city, or the said city, liberties and precincts thereof, as all other persons whatsoever, having, occupying or possessing any houses, messuages, lands or tenements, within the city, or county of the said city, liberties or precincts thereof, in any sums of money, to be paid and answered by them, for and towards the necessary charges, costs and expences of the said city, and county of the said city, liberties and precincts thereof, or for any other things and matters, touching or any way concerning the said city, or county of the said city; and to levy and receive all such sums of money, so, as aforesaid, from time to time to be taxed and assessed from all citizens and inhabitants, residents and occupiers of houses and lands within the city or county of the said city, liberties or precincts of the same, to the use of the said city, by *distress* of their goods or chattles, or by imprisonment of their bodies, or otherwise by any legal way whatsoever, according to the laws and customs of our kingdom of *Ireland*, and as is used in any other city, borough or incorporated town within our kingdom of *England* or said kingdom of *Ireland*, and these our letters patent or the inrollment of the same, from time to time, shall, for this purpose, be a sufficient warrant and discharge to the said *mayor*, *sheriffs* and *citizens* of the said city and their successors; AND FURTHER of our special grace and certain knowlege and meer motion, WE HAVE GIVEN, and GRANTED, and, by these presents for us, our heirs and successors, DO GIVE and GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, that the *mayor*, and *common council* of the said city for the time being, may and shall have full power and authority of having and holding before them, or the greater

Power to
distrain or
imprison
for taxes. †

A court of *orphans*. greater part of them (of which WE WILL the *mayor* of the said city for the time being to be one) in any convenient place to be appointed for that purpose, within the said city, a court or council for the government of the *orphans* of free men or free women of the said city, who in their life time, or at the time of their death, by any writing perfected in their life time, or by their last will in writing, and not otherwise, did recommend their children and *orphans* to the care of the *mayor*, *sheriffs* and *citizens* of the county of the said city; which court, or council, shall for ever hereafter be called the *court of orphans* of the said city, and shall be held once in every week by the appointment of the *mayor* of the said city for the time being; in which court, or council, so to be held, the *mayor*, *sheriffs* and *aldermen*, for the time being, of the said city, and the rest of the common council of the said city, or the greater part of them (of which we will the *mayor* to be one) may, from time to time, have full power and authority of ordering and disposing of the *Guardianship*, and the goods and chattles, rights,

To be held
once in
every
week.

Par. 129. ORPHAN, is a word that signifies a fatherless child; and the *lord-mayor* and *aldermen* of the city of *London* have the custody of *orphans*, who are under age, and unmarried, of deceased freemen; and also the keeping of their lands and goods. And when they commit the custody of an orphan to any person, he may have the writ of *ravishment of ward*, in case the orphan be taken from him; or the offender may be imprisoned, until such orphan is produced. Likewise, if any one, without the consent of the court of *aldermen*, doth marry an orphan, although it be out of the city, they may fine the party, and imprison him till paid. 2 *Danv. abr.* 311. 1 *Ventr.* 178. According to the city laws the executors and administrators of freemen dying are to exhibit true inventories of their estates before the *lord-mayor*, &c. in the court of *orphans*, and must give security to the chamberlain of *London* for the orphan's part, which if they refuse to do, they may be committed to prison. *Wood's inst.* 522. See *Vin. abr.* tit. *customs of London*.

rights, credits and money of such *orphans*, in such manner and form, as the *mayor* and *aldermen* of our city of *London*, in our kingdom of *England*, by the ancient custom of the said city, are wont to order and dispose of the same ; PROVIDED 130 always, that the *mayor* and *common council* of the city of *Waterford* aforesaid, for the time being, ought to GIVE and ALLOW for the *education* and *maintenance* of such *orphans*, according to the rate, at least, of six pounds for every hundred pounds for one whole year, and at that rate as long as he shall remain in the *hands* and *disposition* of the said *mayor* and *common council* ; and that the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, may, from time to time, answer and be chargeable to the said *orphans* for and with all sums of money, goods and chattles taken into their hands, and the profits of them, at the rate aforesaid ; to whatsoever person or persons they shall commit them, or any part of them ; and that the said *mayor*, *sheriffs*, *aldermen* The and *assistants*, from time to time, shall give secu- mayor to rity, under the common seal of the said city, for give secu- the true payment of all such goods and sums of rity under money, as were received by them ; so that the the com- said *orphans* may not in any wise apply to any other person or persons than to the *mayor*, *sheriffs* and *citizens* of the county of the said city, into whose custody they are committed and taken, as aforesaid ; AND FURTHER WE WILL, and, 131 by these presents, for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, that the *mayor*, of the said city, for the time being, and the clerk to be assigned to take recognizances of debts according to the form of the *statute of merchants*,

merchants, and the statute of *Acton Burnel*, to be appointed in manner and form in these presents expressed or mentioned, may, for ever, have full power and authority of taking and receiving all recognizances whatsoever, and making executions thereupon, according to the form of the

TUTE OF MERCHANTS, AND THE STATUTE OF ACTON BURNEL, &c. A *statute merchant* is defined to be a bond acknowledged before one of the clerks of the statutes-merchants, and lord-mayor of the city of *London*, or two merchants assigned for that purpose; or before the mayor or chief magistrate of other cities or corporations, or other sufficient persons for that end appointed, sealed with the seal of the debtor and the king, upon condition that if the obligor pay not the debt at the day, execution may be awarded against his body, lands and goods; in which case the recognisee shall hold the land to him, his heirs and assigns, until such time as the debt is levied; and a person who is in possession of land, on such a statute, is called tenant by *statute merchant*.

On a *statute merchant* acknowledged, if the debtor fails in payment of the money on the day limited, upon notice thereof to the mayor and clerk, they are to cause his goods and chattles to be sold by appraisment, in order to satisfy the creditor what the debt amounts to, and the money due is without delay to be paid to such creditor; or in case they cannot sell the debtor's goods, they shall cause so much of the same to be delivered to the creditor as will answer his debt: Where a debtor has not goods within the jurisdiction of the mayor, the recognisance may be sent to the lord chancellor under the king's seal, who shall thereupon direct a writ to the sheriff of the county wherein any of the goods of such debtor are, and the sheriff is to proceed thereon as the mayor could have done, had the goods been within his jurisdiction; and if the debtor has no goods for the debt to be levied upon, he may be committed to prison, and shall continue there until satisfaction or an agreement be made with the creditor, &c. And in like manner the debtor's sureties, in case he have any, may be proceeded against, where the debt cannot be levied on the debtor's goods; otherwise the sureties shall not be liable. *Stat. Acton Burnel*, 13 Ed. 1. Note, *Acton Burnel*, is the name of the place where this statute was made, viz. a castle in *Shropshire*, anciently belonging to the family of the *Burnels*. *Statutes staple* particularly concern merchants of the *staple*, and are of the same nature with *statutes merchant*, and are for debt acknowledged before the mayor of the staple in our chief cities, &c. in the presence

the *statute of merchants* and *statute of Acton Burnel* lately enacted; as also, to do and perform all other things, which, by virtue of the said statutes, or any of them, belong, or may or ought to belong, to any mayor and to any clerk appointed in any other city or incorporated borough within the kingdom of *England* or the said kingdom of *Ireland*, for acknowledging debts, according to the form of the said statutes, or any of them; and that the said mayor, and clerk for the time being, may and shall have, and by virtue, of these presents, shall make, assume and apply one seal of two pieces, of which the one part shall be the greater piece, and the other part thereof shall be the smaller piece, hereafter to seal the said recognizances to be acknowledged before them, according to the form of the said *statutes of merchants* and *Acton Burnel*; which said seal, from henceforth, for ever shall be, and shall be called, our, our heirs and successors seal, to seal recognizances of debts 'to be taken within the said city, and county of the

Recognizances for debts.
The mayor and clerk to have a seal consisting of two pieces.
same

presence of one or more of the constables of the *staple*; by virtue of which the creditor on non-payment of his money, when due, has the same remedy against his debtor, as is to be had upon a *statute merchant*. 27 *Ed.* 3. At first *statutes merchant* were contrived for the benefit of merchants only: to provide a speedy remedy for recovering their debts; but since, they have been used by others, and are become one of the common securities of the kingdom. 4 *Inst.* 238. A *statute* acknowledged on lands shall be satisfied before an obligation, the debt due whereon being but a *chose in action*, and recoverable by law, and not a present duty, as is a debt upon a statute or recognizance, in the case of which execution may be taken out immediately, without further suit. 2 *Lill.* 536. *Statutes merchant* and likewise *statutes staple*, are required to be entered within six months after acknowledgement, or they shall not be good against purchasers, &c. See *Eliz.* c. 4. *Rob. abr. tit. recog. Vin. tit. statutes*, in the latter of which there is a precedent for a *statute staple*.

same city ; the greater part of which seal, shall always remain in the custody of the *mayor* of the said city, for the time being, and the other part of the said seal shall be, and remain, for ever, in the hands of the clerk, for the time being, deputed or appointed to write and inroll the said recognizances ; and to keep the smaller piece of the said seal according to the intention of these
 132 our letters patent ; AND, for the better execution of our pleasure in this particular, WE WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, and ORDAIN, that the common clerk, for the time being, of the said city, is, and shall be, our, our heirs and successors, clerk, for the writing and inrolling recognizances of debts, according to the form of the said statutes, and any of them, within the said city, or county of the said city ; and to keep the *rolls*, *memorandums* and *records* thereof, and to keep the smaller piece of the said seal ; and to do and execute all other things, which belong to any clerk appointed to take recognizances of debts, according to the form of the statutes aforesaid, or any of them ; and by these presents, for us, our heirs and successors, WE MAKE, ORDAIN, and APPOINT the said common clerk of the said city, for the time being, our, our heirs and successors, clerk for the taking, writing, and inrolling recognizances of debts, within the said city, and county of the said city, according to the form of the said statutes, or any of them ; and for keeping the smaller part of the said seal ; and further to do and execute all other things, which belong to any other clerk for the recognizances of debts, according to the form
 133 of the said statutes, or any of them ; AND FURTHER, of our more ample special grace,
 and

Town-
 clerk to
 be clerk
 of the
 recogni-
 zances and
 to keep
 the smaller
 piece of
 the seal.

and certain knowlege and meer motion, for us,
 our heirs and successors, WE APPOINT and ORDAIN Corpora-
tion of
Mer-
chants of
the staple.
 that *Alexander Leonard, John Skiddy, William
 Lincol, Patrick Meiler, Patrick White, John Ley,
 Thomas White, Bartholemew Lincol, Thomas Walsh,
 John Fagan, Nicholas Browne, Thomas Mayne,
 William Lincol, John Butler, and Robert Lincol,*
 citizens of the city of *Waterford*, and all and sin-
 gular merchants, who hereafter shall be of the
 society of merchants of the staple of the said
 city, may be *one community and incorporated body*
 of themselves in matter and name, and that they
 may have a perpetual succession to continue for
 ever hereafter; and that they may and shall be,
 in *matter, fact and name*, one body corporate by
 themselves for ever, by the name of *mayor, con-
 stables* and society of *merchants* of the staple of the
 the city of *Waterford*; and WE DO INCORPO-
 RATE, ESTABLISH, and UNITE them and their
 successors, *one body corporate and politick* by the
 name of *mayor, constables and society of merchants*
of the staple of the city of Waterford; and WE DO,
 for us, our heirs and successors, *really and fully,*
 for ever, by these presents, INCORPORATE, A com-
mon seal
for the so-
ciety of
merchants
of the
staple.
 ESTABLISH, CREATE, ERECT, ORDAIN, MAKE
 and APPOINT them a body corporate, by and
 under the said name of *mayor, constables and so-
 ciety of merchants of the staple of the city of Water-
 ford*, for ever to continue; and that by
 that name they may have perpetual succession;
 and that they may have a common seal, to serve
 for transacting their affairs and business; AND WE
 WILL, and, by these presents, MAKE, ORDAIN,
 APPOINT and CONSTITUTE the said *Alexander
 Leonard*, the first and modern *mayor* of the staple
 of the city of *Waterford* aforesaid, and the said
Thomas White and *Bartholemew Lincol* the
 first and modern *constables* of the staple of the
 city

city of *Waterford* aforefaid, to be continued in the faid offices until the day of the feaft of St. *Simon* and *Jude*, the apoftles, or longer or for a shorter time, according as it fhall feem expedient to the faid fociety of merchants of the ftaple of the faid city, or to the greater part of them; AND FURTHER for us, our heirs and fucceffors, WE WILL and by thefe presents DO

135 Power to elect a mayor and two conftables of the ftaple. GIVE and GRANT to the faid *mayor*, *conftables* and *fociety* of merchants of the ftaple of the city of *Waterford* aforefaid, and their fucceffors, that the faid fociety of merchants of the ftaple of the city of *Waterford*, may have power and be able, when it fhall feem fit to the faid fociety of merchants of the faid ftaple of the city of *Waterford*, or to the greater part of them there being, to choofe a *mayor*, and two *conftables*, from themfelves, for the government of the fociety of merchants of the ftaple of the city of *Waterford* aforefaid; and that the faid fociety of merchants of the ftaple of the city of *Waterford* aforefaid, may have power and be able *freely* and *lawfully* to meet, congregate and afsemble, from time to time, for ever hereafter, in the merchants hall of the faid fociety of the faid ftaple of the city of *Waterford*, within the faid city, in fuch ample and like manner, and form, as the *mayor*, *conftables* and fociety of *merchants* of the ftaple of our city of *Dublin*, in our kingdom of *Ireland*, or as the *mayor*, *conftables* and fociety of *merchants* of the ftaple of our city of *London*, in our kingdom of *England*, at any time heretofore, could, or, *to the utmoft*, were accuftomed to do; and that, from time to time, at the faid city of *Waterford*, by their common confent, or by the common confent of the greater part of the fociety of merchants of the faid ftaple of the city of *Waterford*, then and there met and afsembled, they may

As great power as the ftaples of *London* or *Dublin*.

may have power and be able *freely*, from themselves, to nominate and choose a *mayor* to stay, remain and continue for the year next ensuing, or for less time ; and two constables to stay, remain and continue at the will and pleasure of the said society of merchants of the staple of the said city for the time being, or the greater part of them, there gathered and assembled ; AND that they may have, from time to time, power, and, for ever, be able, in the said city of *Waterford*, *freely* and *lawfully* to name, elect and admit into the said society of merchants of the staple of the city of *Waterford*, and into the said body incorporated and established by these presents, by the common consent of the said society of merchants of the staple, or of the greater part of the same society there met and assembled, all and singular persons whatsoever ; and that from time to time, for ever, they may *freely* and *lawfully* have power and be able to name, elect and appoint all and singular such, the same and like officers, ministers and servants of the said staple of the city of *Waterford*, to continue and serve for a year next ensuing, or for a less time, at the will and pleasure of the said society of merchants of the staple of the city of *Waterford*, as shall seem expedient, fit and necessary to the said society of merchants of the staple of the said city, and their successors, for the time being, or to the greater part of the said society there gathered and assembled, for the good order, rule and government of the said staple of the said city, and the society of the same ; AND to REMOVE, EXCLUDE, and EXPEL, *at their will and pleasure*, for any faults and offences, bad government, or any other reasonable cause or action whatsoever, the persons so nominated, elected and appointed out of the said society of merchants of the staple of the said city,

136

Power to elect a new mayor to the staple.

137

or

As great
power
given as to
the city of
Dublin or
London.

or the greater part of the said society there met and assembled from their offices, ministries and services; and to name, elect and prefer others in the room and in the place or places of the persons so removed, or expelled, or dead, to continue, serve and remain there as aforesaid; and that they *freely* and *lawfully* may have power and be able, from time to time, for ever to MAKE, ORDAIN, APPOINT, and EXECUTE all and singular other things requisite and necessary, touching, or any way concerning, the said society of merchants of the staple of the said city, and the state and government of the same, in as ample manner and form, as the *mayor, constables* and society of *merchants* of the staple of the said city of *Dublin*, or the said *mayor, constables* and society of *merchants* of the staple of the said city of *London* to the utmost used, ought or *lawfully* could do; AND MOREOVER, of our more ample grace, certain knowledge and meer motion, for us, our heirs and successors, WE GRANT to the said *mayor, constables* and *society of merchants* of the staple of the city of *Waterford* aforesaid, and their successors, that the said *mayor, constables* and *society*, and their successors, for ever, and every merchant of the said society for the time being, may HAVE, HOLD, ENJOY, EXERCISE, and USE, and may have power and be able to HAVE, HOLD, ENJOY, EXERCISE, and USE, within the said city and county of the city of *Waterford* aforesaid, as many, as great, such, the same and like liberties, customs, franchises, privileges, powers, authorities, pre-eminences, jurisdictions, immunities, advantages, and all other rights whatsoever, of what kind, species, name, quality or condition they are or have been, each of them, is or has been, not being repugnant or contrary to these our letters patent,

patent, or to any article contained or specified in the same, as the said *mayor, constables, and society* of merchants of the staple of the said city of *Dublin* or said city of *London*, by whatsoever name or addition of name or incorporation they were *reputed, named or called*, had, exercised, used or enjoyed, or could or ought to have, exercise, use or enjoy, by reason or pretence of any act of parliament or acts of parliament, or of any statute or statutes, or of any letters patent had or granted by any of our progenitors or ancestors, late kings or queens of *England*, or of any lawful prescription, use or custom, or by any other lawful manner, right or title; any *forfeiture, non-user or abuse* of the same or any of them, before now, had or done, or any thing, cause, matter, law, statute, custom, use or proclamation in any wise notwithstanding; YET 139

WE WILL, that the said *Alexander Leonard*, before by these presents assigned to be *mayor* of the staple The of the said city, before he be admitted to execute mayor the office of *mayor* of the staple, shall take his of the corporal oath on the holy evangelists before the staple to said *Richard Aylward* and *Peter Aylward*, knights, be sworn. and *Thomas Gough*, esq; or two or one of them, *well and faithfully*, in and through all things belonging to that office, to execute the office of *mayor* of the staple of the said city; to which said *Richard Aylward, Peter Aylward, and Thomas Gough*, and to two or one of them, by these presents, for us, our heirs and successors, WE GIVE and GRANT full power and authority of tendering and administering such oath, as aforesaid, to the said *Alexander Leonard*, without any other commission or warrant to be procured or obtained from us, our heirs or successors, for that purpose; AND 140 that the *mayor and constables* of the staple of the said city for the time being, before they or any of them

How the
mayor
and con-
stables of
the staple
are to be
sworn.

them be admitted to execute the said office of *mayor* or *constables* of the staple there, shall respectively take their corporal oaths on the holy evangelists, in the form following, *well*, and *faithfully* to execute their said offices respectively, in and through all things to them respectively belonging, that is to say, every *mayor* of the staple, for the time being, before the last *mayor*, his predecessor, if he be then living, or before two or more *aldermen* of the said city, for the time being; and the said constables of the said staple for the time being, before the *mayor* of the staple of the said city for the time being; to which *mayor* and to two or more of the *aldermen* of the said city for the time being respectively, by these presents, for us, our heirs and successors WE GIVE and GRANT full power and authority of tendering and administering such oath as aforesaid, without any other commission or warrant from us, our heirs or successors, to be procured or obtained for that purpose; AND that the *mayor*, *sheriffs* and *citizens* of the city, and county of the said city, may the *better* and *more freely* enjoy and use these liberties, which WE, by these presents, VOUCHSAFE to GRANT them; and that the rest of the justices of the peace within the said city and county of the said city, and other officers, appointed there by these presents, may be the better able to execute those authorities given and granted to them by these presents, in order to suppress and restrain those enormities and misdemeanors, which should be committed in the said city, and in the county of the said city, by refractory and disorderly persons, if a suitable remedy be not applied; WE WILL, and, by these presents, for us, our heirs and successors, ORDAIN and APPOINT, and GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors,

successors, that no person or persons, for ever
 hereafter, shall sell or expose to sale within the
 city of *Waterford* aforesaid, or within the county
 of the city of *Waterford*, liberties or precincts of
 the same, any wine or any ale or *aqua vita* or water
 or drink called *usquebagb*, or *beer*, by virtue, pretext
 or under colour of any licence or toleration, to
 them or any of them granted or to be granted,
 by any person or persons, who heretofore have
 obtained from any one or more of our progeni-
 tors, or ancestors, or hereafter shall obtain from
 us, our heirs or successors, letters patent, or
 grants for granting such licences and tolerations;
 but that all and singular such licences and tolera-
 tions to be executed and enjoyed within the city,
 or county of the said city, shall be *void* and of
no effect; any thing in them contained, or any
 such letters patent, or grants to the contrary
 notwithstanding; and that the citizens and inha-
 bitants of the city, and county of the said city,
 may in no wise be troubled by reason thereof;
 AND further WE WILL, and, by these presents,

No wine
 or other
 liquors
 to be re-
 tailed by
 any li-
 cence
 from the
 crown.

142

for us, our heirs and successors, CHARGE and
 COMMAND all and singular judges, justices, ba-
 rons and other officers and ministers of us, our
 heirs and successors, of our said kingdom of
Ireland, for the time being, to whom it shall be-
 long, that they or any one or more of them
 hereafter direct, or make, or cause to be directed
 or made any writ, summons, process or precept
 for levying or recovering any rents, compositi-
 ons or sums of money to be asked or demanded
 under colour of the said letters patent, grants or
 licences; but that upon shewing these our let-
 ters patent *only*, or the exemplifications of them,
 or inrollments of the same, they may, from
 time to time, make or shall cause to be made a
 full and absolute discharge and acquittance to all

P

and

- and singular citizens and inhabitants of the city or county of the said city, who desire such discharge, of and from all such rents, compositions and sums of money whatsoever; AND these our letters patent or the inrollment of the same, shall be a sufficient warrant and discharge, as well to our said judges, justices, officers and ministers, and each of them, for the execution of the premisses, as it is a sufficient discharge to all and singular the citizens of the city and county of the said city, dwelling within the city or county of the said city, for the non-payment of any sums of money, for or in respect of any such licence or toleration, according to our COMMAND and PLEASURE EXPREST and DECLARED by these presents to that purpose; AND that *concessions* and *informations*, which tend to the publick detriment, may be suppressed and altogether counted void, in as much as they get the names of *monopolies*, WE WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, that the sole and entire disposal of selling *wine*, *ale*, *beer*, *aqua vitæ*, and *usquebagh*, and the correction and punishment of them, and other things concerning them, within the said city and county of the said city, liberties, and precincts of the same, for ever hereafter, are and shall be within the power and jurisdiction of the *mayor* and the rest of the officers of the said city for the time being, to be done, executed and ordered according to the effect and true intent of these presents; and that every *citizen* and *inhabitant* of the said city, and county of the said city, for ever hereafter may *freely*, *lawfully* and *safely* have power and be able to compose, distil and make *aqua vite*, and *usquebagh*; and them, so made and distilled, as well to convert

Power to
make
aqua vitæ
or usque-
bagh.

convert to their own proper use as to expose to sale; the statute in the parliament of *Philip and Mary*, in the third and fourth years of their reign, or any other statute, act or restriction to the contrary thereof, in any thing notwithstanding; without giving, paying or doing any account or other thing for the same to us, our heirs or successors; KNOW YE FURTHER, that we, of the like favour, and our special grace and certain knowlege and meer motion, HAVE GIVEN, GRANTED, and CONFIRMED, and, by these presents, for us, our heirs and successors, DO GIVE, GRANT and CONFIRM to the said *mayor, sberiffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors for ever, the whole city of *Waterford*, in our kingdom of *Ireland*, with all its rights, members, liberties and appurtenances, as also the manor or lordship of *Killowran*, with all its appurtenances in the said county of the city of *Waterford*, and county of *Waterford*, or either of them in the said kingdom of *Ireland*; as also all that *messuage*, and all those arable lands, containing, by estimation, eighty acres, be the same more or less, and that meadow containing by estimation five acres with all its appurtenances in the tenement of *Cloncredane*, that is to say, two acres of meadow, lying between the land, which formerly belonged to *Bartholemew Burgwasb*, knight, on the south, and the river *Shure* on the north, opposite the castle of *Grenagh*, and all that meadow between the land, which formerly belonged to *Walter Devenysb* on the south, and the river *Shure* on the north, near *Chepman pill*, containing by estimation three acres, be the same more or less; and also all these our arable lands, containing by estimation forty eight acres more or less, and that our meadow contain-

145

Grant of
the city
&c.

ing by estimation three acres in the said tenement of *Cloncredane*; as also all those arable lands containing, by estimation, sixty acres in the said tenement, which are called *Portnebull* in the county of *Waterford*, or in the county of the city of *Waterford*, with all their appurtenances; as also all other lands, tenements and hereditaments whatsoever in the said kingdom of *Ireland*, which the *mayor*, *sheriffs* and *citizens* of the county of the said city more *extensively* and *freely* had, held or enjoyed, or were reputed to have, hold and enjoy by any legal manner, right or title, before the seizure and taking the liberties of the said city into the hands of our said father, that is to say in the fourteenth year of his reign of *England*; TO HAVE, HOLD and ENJOY the said city, and the said manor or lordship, messuage, lands and tenements, with their rights, members and appurtenances, to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors to the sole and proper use and behoof of the said *mayor*, *sheriffs* and *citizens*, and their successors, for ever; TO HOLD in *free-burgage*; and WE WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the said city, and their successors, that they, and their successors, for ever hereafter may have, hold, exercise and enjoy, and may have power and be able *well*, *quietly* and *peaceably* to have, hold, exercise, use and enjoy the said city, and the said manor or lordship, messuage, lands and tenements, with the appurtenances; as also all and singular the said liberties, franchises, immunities, port, customs, courts, powers, authorities, privileges, profits, commodities, advantages, emoluments and hereditaments, and all and singular the rest of the premises, before by these presents granted, or mentioned to be granted,

146

147
To be
held in
free-bur-
gage.

granted, with the appurtenances, according to the true intention of these presents, without any trouble or contradiction of us, our heirs or successors, or of our, our heirs or successors, officers or ministers whatsoever; YIELD- 148
 ING and PAYING thereout to us, our heirs and Redden-
 successors all such and the like fee-farms, rents and dum.
 sums of money, as were due, accustomed or payable for the same to our late dearly beloved father king JAMES in or before the fourteenth year of his reign of *England, France and Ireland*; AND FUR- 149
 THER of our more ample special grace, and certain knowledge and meer motion, WE HAVE GIVEN and GRANTED, and, by these presents, for us, our heirs and successors, DO GIVE and GRANT to the said mayor, sheriffs and citizens of the county of the city of *Waterford* afore said, and to their successors for ever, the whole scite, ambit, circuit and precinct of the abby, monastery, or religious house of *Killkillebin*, now or lately being in the county of *Kilkenny*, and in the county of the city of *Waterford*, or in one of them; and all messuages, mills, lands, tenements, meadows, pastures, dove-cotes, waters, pools, fisheries, moors, marshes, woods, underwoods, rents, reversions and services, and all other hereditaments and possessions whatsoever in the villages, towns, fields, hamlets, lordships, territories, mears, limits and bounds of *Killkillebin*, *Newrath*, *Robertstown*, *Gragdranton*, *Rathkillebin*, *Adregoll* and *Rathaspice*, with all their appurtenances, which are, or ever or at any time were reputed, known, esteemed or taken as part, parcel or member of the said late monastery, abby or religious house of *Killkillebin*, or of the abbess, prioress or nuns, or religious women of *Killkillebin*, or of the said towns; and all those rectories, vicarages, churches and chappels of *Killkillebin*, *Rathpatrick*, *Killmokevogh*, *Ballygorym* otherwise *Ballymolgorym*, *Shanevogh*, *Rosbar* otherwise

Grant of
the abby
of *Kill-
killebin*.

Tythes
and ad-
vowsons
given to
the city.

wife *Rosbarrecon*, *Disbertmoan*, *Mocknolly* otherwise *Mockolly*, *Portnescolle*, *Pollrowan*, *Illede*, *Downebill*, otherwise *Downhill* or *Dunnill*, *Newcastle*, *Killigh* otherwise *Killcagh*, *Knockanmorne*, and *Rathaspikie* in the county of the city of *Waterford*, *Kilkenny*, *Waterford*, *Corke*, *Catherlough* and *Kildare*; as also all tythes, alterages, emoluments, oblations, obventions, and profits of the said rectories, vicarages and chappels; and all advowsons, donations and presentations of all and singular vicarages, churches and chappels of the said rectories; and all liberties, free customs, privileges, franchises and jurisdictions belonging or appertaining to the premisses or any of them; as also the rents, reversions and services, and all the lands, tenements and hereditaments whatsoever, with all their appurtenances, as well spiritual as temporal, belonging or appertaining to the said abby, monastery or religious house, or to the town of *Killkillebin*, and *Newrath*, and to the rest of the said towns, or to any of them, or to the said rectories, vicarages, churches, advowsons of churches and chappels, and to any of them in the county of *Kilkenny*, *Waterford*, *Corke*, *Catherlough* and *Kildare*, or elsewhere in any county or place of our said kingdom of *Ireland*, or now, or in time past used, had, known, taken or any way reputed a member,

150

part or parcel of them, or either of them; AS ALSO all advowsons of vicarages, presentations, donations, nominations of vicars salaries, of

Power to
present.

chaplains and curates in all vicarages, and now, or at any time, belonging or appertaining to all the vicarages of the said late monastery, abby or religious house of *Killkillebin*, or to the said rectories, or to any of the premisses; so that it may be lawful for the said *mayor*, *sheriffs* and *citizens* and their successors, when the said vicarages, or

any

any of them, shall be void, to present to them, or to every one of them, vicars, curates, hirelings, or chaplains; and to do all other things in the premisses, which shall seem most expedient to them, without any challenge or impeachment of us, our heirs or successors, of our, our heirs or successors justices, escheators, sheriffs or officers whatsoever, (*lapses*, whensoever they shall lawfully happen, being always excepted, and reserved,) by whatsoever other name of foundation, creation, incorporation, indowment or addition, the said abby, monastery, and religious house of the said town of *Killkillebin*, and *Newrath*, and the rest of the said towns, rectories, vicarages, churches, chappels and advowsons of churches, rectories, and

Lapses reserved to the king.

Par. 150. LAPSE; from the *Latin* denoting a *slip*, signifies a patron's neglect or omission to present to a church, within six months after it becomes vacant; in this case the common expression is, that benefice is in *lapse*, or *lapsed*. And *lapse* is defined to be a title given to the ordinary to collate to a benefice, on the patron's omission of presenting within due time. Where after a vacancy, the patron does not present in six months, the ordinary has the next six months to collate to the benefice; and if he does not present within that time, the metropolitan has six months more to do it in; and if he should fail in doing it within his time, *viz.* six months, it then devolves to the crown: Though there is no lapse against the king's title; the maxim in law in that case being, *nullum tempus occurrit regi.* 2 *Roll. abr.* 360. *Wood's Inst.* 158. It is said that where a patron presents his clerk before the bishop has collated, such presentation will be good, notwithstanding the six months are past; so it likewise is, if the patron makes his presentation before the archbishop hath collated to the benefice, though it be after twelve months. 2 *Inst.* 273. If a clerk presented be refused by the bishop for any sufficient cause, as on account of illiterature, &c. or when there is an avoidance happening by resignation, or upon a deprivation of the parson; in either of these cases notice must be given to the patron before any *lapse* shall arise to the bishop. *Dyer* 293, 327. 4 *Rep.* 75. *Lapse* of a church is not an interest, so as to be granted over; it being only an office of trust reposed in the ordinary, to the end that he may provide the church with a rector, on any default of the patron. *Fitz. Nat. Brev.* 34.

and vicarages aforesaid, and the rest of the premisses, or any of them, and every parcel of them, are or may be reputed, known, founded, called, or incorporated, or ought to be reputed, known, founded, called or incorporated (the bake-house, furnace, and granary of the said late monastery or religious house of *Killkillebin* always reserved and excepted to us, our heirs and successors;) YET so that it may be lawful for the said *mayor, sheriffs and citizens* of the county of the city of *Waterford*, and their successors, and their farmers, tenants, officers and servants, to occupy, possess and convert the said granary, furnace and bake-house, to their own proper use, when they are not used or possessed by us, our heirs and successors, or by our officers, to our use, by the command of us, our heirs or successors, or our deputy or other governor or governors of our kingdom of *Ireland*; which furnace, bake-house and granary, the said *mayor, sheriffs and citizens* of the county of the city of *Waterford*, and their successors and assigns, at their own costs and charges shall, from time to time, conveniently and sufficiently repair, uphold and support; TO HAVE AND TO

151
152 HOLD the said scite, circuit, ambit and precinct of the late abby, monastery or religious house of *Killkillebin*, and the said towns and all the lands, tenements and hereditaments, rents, reversions and services whatsoever, with all their appurtenances in and of *Killkillebin, Newrath, Robertestown, Gragdrantan, Rathkillebeen, Rathaspick and Adregoll*, and the rectories, vicarages, churches and chappels, advowsons of churches, chappels, rectories and vicarages in and of *Killkillebin, Rathpatrick, Kilmokevogh, Ballygorym* otherwise *Ballymolgorim, Shanevough, Rosbar, Rosbarrecon, Disbertmoan* otherwise *Disbertnoan, Mocknolly* otherwise *Mokolly,*

Mokolly, Portnescolle, Pollrowan, Illed, Downehill or Dunill, Newcastle, Killeigh, otherwise Gillcagb, Knockanmorne and Rathaspick, and all tythes and other profits, alterages, emoluments, oblations, obventions and profits of the said churches, rectories, vicarages and chappels; and all the said lands, tenements, hereditaments, rents and reversions, as well temporal as spiritual and the liberties, privileges and free customs, and the rest of the premisses whatsoever, with all the appurtenances, unto the said mayor, sheriffs and citizens of the county of the city of Waterford, and their successors, to their own proper use for ever; TO HOLD of us, our heirs and successors, in common and free socage in fee-farm; YIELDING and PAYING thereout to us, our heirs and successors, yearly, for ever, into the hands of the treasurer or receiver general, for the time being, of us, our heirs or successors, of our kingdom of Ireland, to the use of us, our heirs and successors, at the receipt of our exchequer of our kingdom of Ireland aforesaid, the fee-farm of fifty-nine pounds and twentypence of lawful and current money of Ireland; to be paid yearly by equal portions and just moieties on the feasts or days of St. Michael the archangel, and Easter, that is to say, a moiety of the said rent of fifty-nine pounds and twenty pence on the feast of

153
154
155

Rent paid by the city.

Q *Easter*

Par. 153. COMMON AND FREE SOCCAGE. Socage, was an ancient tenure, whereby tenants held their land by service of ploughing the lands of their lords with their own ploughs, and performing other inferior services of husbandry, which afterwards, by the mutual agreement of lord and tenant, were turned into the payment of a sum of money, and thereupon it was called, liberam socagium, or free socage. Bract. lib. 2. c. 35. This socage is defined to be a certain tenure, where one holds of a lord lands or tenements under a certain rent in lieu of all manner of services. All tenures have been adjudged to be turned into free and common socage, since the statute 12 Car. 2. c. 24. For a further account of the nature and various kinds of socage, see serjeant Wright's tenures lately published. Fee-farm, is, where a tenant holds of his lord in fee, paying a yearly rent.

155 *Easter* yearly, and the other moiety on the feast of St. *Michael* the archangel, for ever; YET WE WILL, and, by these presents, for us, our heirs and successors, of our more ample special grace, and certain knowledge and meer motion, GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and to their successors, that these our letters patent, or any thing therein contained, or any other letters patent granted by any of our progenitors or predecessors, kings of *England* and *Ireland*, or lords of *Ireland*, of the said abbey, monastery or religious house of *Killkillebin*, or of the scite, circuit, ambit or precinct of the same, and of the rest of the premises last granted together, or of any parcel of them, shall not, in any wise, extend themselves to charge the said *mayor*, *sheriffs* and *citizens* of the county of the said city, or their successors, or the said abbey, monastery and the rest of the premises, or any part or parcel of them, so mentioned to be together last granted, with the payment of any double rent, or with double tenure, of or for the said premises, or any parcel of them, by virtue of these our letters patent, or any other letters patent whatsoever; nor that any other or greater annual rent than the said rent of fifty-nine pounds and twenty pence of lawful and current money of *Ireland*, so, by these presents, reserved by the year, as aforesaid, shall be hereafter due or payable for the premises last cited to us, our heirs or successors, by virtue of these our letters patent, or any other letters patent as aforesaid; nor that any other service than the service aforesaid, so as aforesaid reserved by these presents for the said premises, shall be hereafter due, done or performed to us, our heirs or successors, of or for the said premises or any

Power to
purchase
other
lands, &c.

any of them, by virtue of these our letters patent, or of any other letters patent whatsoever; any thing in these presents, or in any other letters patent, contained to the contrary notwithstanding; WE also GIVE, and, by these presents, for us, our heirs and successors, GRANT to the said mayor, sheriffs and citizens of the county of the city of *Waterford* aforesaid, and their successors, special licence, free and lawful power, faculty and authority of HAVING, ACQUIRING, RECEIVING and POSSESSING to them, and their successors, for ever, any other manors, messuages, lands, tenements, meadows, pastures, woods, rectories, tythes, revenues, and other hereditaments whatsoever, within our kingdom of *Ireland*, from us, our heirs and successors, or from any body politick and corporate, or from any other person or any other persons whatsoever, which are not holden of us, our heirs or successors, immediately in *chief*, nor by *knight-service*, so that the said manors, messuages, lands, tenements, and other hereditaments do not in the whole exceed the clear yearly value of forty pounds of

156

Lands
held in
chief or
by knight
service not
to be pur-
chased.

Q 2

current

Par. 156. IN CAPITE, OR BY KNIGHT-SERVICE. *Capite* is an ancient tenure of land, which was held immediately of the king, as of his crown, whether it were by *knight's service*, or in socage: It is likewise called tenure-holding of the person of the king. *Dyer*. 44. The tenure in *capite* was of two kinds, the one *principal* and *general*, and the other *special* or *subaltern*: The *principal* and *general*, the fountain from whence all tenures have their main original: The *special* was of a particular subject, so called from his being the person that granted the land in such manner; and hence he was stiled *capitalis dominus*, and *caput terre illius*. This tenure is now abolished, and with others turned into common socage. See 12 *Car.* 2.c. 24. *Knight-service*, was an ancient tenure, by which several lands were held of the king, so that it drew after it homage, service in war, &c. but this tenure is taken away by the statute last mentioned. For a full explanation of the nature and several kinds of *knight-service*, see Ser-cant *Wright's* tenures above cited.

The purchase not to exceed forty pounds per annum.

current money of *England*, over and above all charges and reprises; the statute against *mortmain*, or any other statute, act, ordinance or provision, before now made, set forth, ordained or provided, or any other thing, cause or matter whatsoever to the contrary whereof in any wise notwithstanding; and without procuring any of our, our heirs or successors, writ of *ad quod damnum* or to

REPRISES, is usually taken for deductions or payments that are made out of a manor or lands; as rent charges, pensions, annuities, &c. on which account it is that when we speak of the clear yearly value of a manor or estate in land, &c. we say it is of so much *per annum*; besides reprises.

MORTMAIN, (from the *French*, signifying a dead hand) is, where lands or tenements are granted to any religious house or corporation, sole or aggregate, and their successors, &c. which must not be done without the king's licence. Lands aliened in *mortmain* are different from others, for they never revert to the donor, or any temporal or common use; and for that the lords by such alienation lose their escheats, and many services which were heretofore due to them, as bodies politic never die nor can perform personal service, commit treason, or felony, &c. This has occasioned several laws concerning *mortmain*, by virtue whereof the king, or other lord, of whom the land is held, may enter into the lands so aliened, as forfeited. 1 *Inst.* 2, 304. 2 *Inst.* 361. 9 *H.* 3. c. 36. 7 *Ed.* 1. Nevertheless it is observed, that ecclesiastical persons found out ways to evade the statutes; and not being of ability to get lands by purchase, or gift, &c. they procured land to be conveyed by feoffment, or in such like manner, to divers persons, and their heirs, to the use of them and their successors, whereby they took the profits thereof, which evasion was prevented by 15 *R.* 2. and 23 *Hen.* 8. c. 10. For further particulars of the learning concerning *mortmain*, see 1 *Roll. abr.* 556. 11 *Rep.* *Wood's Inst.* 303. 7 and 8 *W.* 3. c. 37. and 9 *Geo.* 2. c. 36.

AD QUOD DAMNUM, is a writ that ought to be issued before the king grants certain liberties, as a fair, market, or the like, which, being granted, may be prejudicial to others: And it is directed to the sheriff to inquire by the country what damage it is like to do the grantor or other persons. This writ also is used for inquiring into freehold lands given in *mortmain* to any house of religion, &c. for it is a prejudice to the publick not to have freeholders of sufficient estates to be sworn in assises and juries. *Fitz. Nat. Brev.*

writ of *ad inquirendum* from us, our heirs or successors; WE likewise GIVE, and, by these presents, for us, our heirs and successors, GRANT to any subject and subjects whatsoever, of us, our heirs and successors, special licence, and free and lawful power, faculty and authority, that they, or any one, or more of them, may have power and be able *freely* and *safely* TO GIVE, GRANT, SELL, DEVISE OR ALIEN any manors, messuages, rectories, tythes, woods, lands, tenements or other hereditaments whatsoever, which are not held immediately in *chief* or *knight-service*, from us, our heirs or successors, to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, so that all the said manors, messuages, lands, tenements, and other hereditaments, so to be GIVEN, GRANTED, ALIENED, OR DEVISED to the said *mayor*, *sheriffs* and *citizens*, and their successors, do not in the whole exceed the clear yearly rent or value of forty pounds of current money of *England*, above all charges and reprises; the statute of *mortmain*, or any other statute, act, ordinance or provision, before this time made, set forth, ordained or provided, or any thing, cause or matter whatsoever to the contrary whereof in any wise notwithstanding; AND FURTHER WE WILL, and, by these presents, for us, our heirs and successors, do GRANT to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and their successors, that these our letters patent, granted to the said *mayor*, *sheriffs* and *citizens* of the county of the city of *Waterford* aforesaid, and to their successors, as aforesaid, and all and singular things specified and contained in them,

157

That all grants and other matters be judged in favour of the corporation.

158

AD INQUIRENDUM, is a writ judicial, commanding inquiry to be made of any thing relating to a cause depending in the king's courts, for the better execution of justice.

may be read, understood, judged and determined in favour of the said *mayor, sheriffs and citizens*, and their successors, against us, our heirs and successors, as far as they best can be known and understood; notwithstanding any omission, repugnancy or contradiction in the same, or any statute, act, ordinance or restriction set forth to the contrary; without that that any deputy, governor or lieutenant of us, our heirs or successors, of our land of *Ireland*, or any justice or justices, commissioners, officers or ministers of us, our heirs or successors, whatsoever, may, in any sort, hereafter intermeddle in any gifts, franchises, jurisdictions, privileges, immunities, courts, liberties or grants granted to the said *mayor, sheriffs and citizens* as aforesaid; AND

159 FURTHER WE WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor, sheriffs and citizens* of the county of the city of *Waterford* aforesaid, and their successors; and also for us, our heirs and successors, WE CHARGE and COMMAND, that no lieutenant, justice, officer, or other ministers of us, our heirs or successors, in the said kingdom of *Ireland*, do seize or presume to seize into our, our heirs or successors hands, the franchises, liberties, privileges, jurisdictions, hereditaments and the rest of the premisses aforesaid, by us, by these presents, granted, or mentioned to be granted, to the said *mayor, sheriffs and citizens*, and their successors; nor that they, or any of them, at any time hereafter, may make out, or direct, or cause to be made out or directed, *inquire* or cause to be *inquired*, any writ or writs, warrant or warrants, process or processes whatsoever, out of the court of *chancery*, court of *king's-bench*, court of *exchequer*, or any other court or courts of us, our heirs or successors, of our said kingdom of

England

Franchises of the corporation not to be seized without a special mandate from the king under the great seal.

Ireland, or any other way whatsoever, for the impeachment, challenge, caption or seizure of the said franchises, liberties, and the rest of the premisses, into our, our heirs or successors hands, without our, our heirs and successors special mandate, under the great seal of *England* for that purpose first given and had; and not by any general commission concerning the said kingdom of *Ireland*, unless there be special mention made of the city of *Waterford*, and of the county of the city of *Waterford* aforesaid, liberties and precincts of the same; and not implicitly nor argumentatively; and that the liberties of the said city may not be seized by occasion of the errors, defects, or misprisions of the mayor, sheriffs, or any officer or citizen of the said city, but that the persons offending, only, may be punished, according to their merits and measure of their crimes; any statute, act, use, custom or other thing, cause or matter to the contrary notwithstanding; AND FURTHER, of our 160 more abundant special grace, and certain knowledge and meer motion, we have FORGIVEN, REMISED and RELEASED, and, by these presents, for us, our heirs and successors, DO FORGIVE, REMISE and RELEASE unto the said mayor, sheriffs and citizens of the county of the said city, and their successors, all and singular rents, issues, mesne profits, fee-farms, arrearages and sums of money, arising, accruing, due, or payable, and out of the said city or liberties of the same, or out of the said lands, tenements and hereditaments, either by reason, virtue or pretence of the said recited letters patent, or of any of them, or any other letters patent or charters, heretofore granted to their predecessors, issuing or payable, or thereupon charged or chargeable to us, from the thirtieth day of *October* in the the

Dis-
charged
from all
arrears.

fifteenth year of the reign of our said late father of *England, France, and Ireland*, and in the fifty first year of his reign of *Scotland*, to the making of these presents; for that we and our said father HAD and RECEIVED all and singular the said arrearages, issues and profits of them, and of the rest of the premisses during the whole time
 161 aforesaid; AND THEREFORE WE WILL, and, by these presents, for us, our heirs and successors, CHARGE and COMMAND as well the treasurer, chancellor, vice-treasurer and barons of our *exchequer*, as all other officers and ministers whatsoever of us, our heirs and successors, for the time being, that they, and every one of them, upon shewing these our letters patent *only*, or the inrollment of the same, without any other writ or warrant to be procured or prosecuted from us, our heirs or successors, shall make, and from time to time shall cause to be made, unto the said *mayor, sheriffs and citizens* of the county of the said city, and their successors, a *full, intire and due* allowance and manifest discharge of and from all and all manner of such rents, issues, mesne profits, fee-farms, arrearages and sums of money; and these our letters patent, or the inrollment of the same, shall be a sufficient warrant and discharge for this purpose, as well to the said treasurer, chancellor, vice-treasurer and barons of our said *exchequer*, as to all other our, our heirs and successors officers and ministers of our
 162 said kingdom for the time being; AND FURTHER, of our more abundant special grace and certain knowledge and meer motion, WE WILL, and, by these presents, for us, our heirs and successors, GRANT to the said *mayor, sheriffs and citizens* of the county of the said city; and their successors, that these our letters patent, or the inrollment of the same, shall be, in and through all things, according

cording to the true intention of the same, *firm, valid, good, sufficient, and effectual* in law against us, our heirs and successors, as well in all our, our heirs and successors, courts, elsewhere within our kingdoms of *England* and *Ireland*, without any confirmations, licences, or tolerations in any wise hereafter to be obtained or procured from us, our heirs or successors; NOT-
 163
 WITHSTANDING the ill-naming or not naming, the ill-reciting or not reciting the said city, abby, monastery, lands, tenements, and hereditaments, and the rest of the premisses, or any part thereof, above, by these presents, granted, or mentioned to be granted; and notwithstanding the not *finding* or ill-*finding* the *office* or *offices*, or *inquisition* or *inquisitions*, of the premisses or of any parcel thereof, by which our title ought to be *found* before the perfection of these our letters patent; and notwithstanding any defect or defects in not reciting or ill-reciting any demise or grant, demises or grants of the premisses, or of any part or parcel thereof, heretofore made or not made, of record and not of record; and notwith-
 R standing

Par. 163. FINDING OR ILL FINDING THE OFFICE, &c. is where inquisition is, made to the king's use of any thing by virtue of the *office* of the person that inquireth it, and the same is found by the inquisition; and so to return an *office* signifies that which is found by virtue of the *office*. It is said the effect of this office is, that the king, from the time of the finding, shall be answered the profits of lands without any entry, &c. Tho' if such an *office* be wrongfully found, the person grieved may be relieved by a traverse, or *monstrans de droit*, either by pleading or petition; every *office* being in the nature of a declaration, to which any person may plead, confess or deny. 5 *Rep.* 32. *Plowd.* 448. By the common law the king is not in possession of lands that are forfeited for treason, during the offender's life, without an *office* found thereon; but the land whereof a person attainted of high treason dies seized in fee, is actually vested in the king, though there be no office; for this reason that it cannot descend, the blood being corrupted, and the freehold shall not lie in abeyance. 2 *Hawk. P. C.* 448.

standing the ill-naming or not *rightly* naming any city, borough, village, hamlet, parish, place, or county in which the premisses, or any part thereof, do or doth lie; and notwithstanding any defects in ill-naming or not naming any tenant, farmer or occupier of the premisses, or any part thereof; and notwithstanding any variation, disagreement or difference in any thing, matter, name or form between these our letters patent, and any other letters patent heretofore granted of the premisses, or of any parcel thereof, or between these our letters patent and any record or records, account or accounts in any wise touching, or concerning the said premisses, or any parcel thereof; and notwithstanding any defects in not mentioning or not *rightly* or *ill-mentioning* the true yearly values of the premisses, or any part thereof, or the annual rent reserved of, in, and upon the premisses, or of in and upon any parcel thereof, specified in any letters patent, or in any particular survey or account heretofore made, or hereafter to be made, of the premisses, or of any of them; and notwithstanding the statute made and enacted in parliament in the eighteenth year of the reign of HENRY the sixth our ancestor, late king of *England*; and notwithstanding the statute made in parliament in the first year of the reign of HENRY the fourth, late king of *England*; and notwithstanding any other defects in not naming or not *rightly* naming the natures, kinds, species, quantities or qualities of the premisses, or of any parcel thereof, or of him or them who heretofore was or were seised of the premisses, or of any of them;

164 FORTHAT express mention is not made in these presents of the true yearly value, or of the certainty of the premisses or any of them, or of the other gifts or grants heretofore made by us, or any of our ancestors or predecessors, to the said

mayor,

mayor, sheriffs and citizens of the county of the city of *Waterford* aforesaid, or any statute, act, ordinance, provision, proclamation or restriction before this time had, made, published, ordained or provided, or any other thing, cause or matter whatsoever to the contrary in any wise notwithstanding; IN WITNESS whereof we 165
 have caused these our letters to be made *patent*;
 WITNESS ourself at *Westminster* the twenty 166
 sixth day of *May*, in the second year of our reign.

By the king himself.

Wolsey.

The fees are taxed at twenty thousand marks.

Note, tho' *fnis* is a very uncommon word for fees; yet the words *fnis taxatur ad viginti millia marcas* being very plain and legible in the original, the intention of them, I apprehend, is to shew the whole costs and charges of procuring this charter.

THE END.

ERRATA in the *LATIN*.

PAGE 36. Line 26. *for* seifina forcie, *read* frisca forcia. P. 38. L. 11. *for* ud; *r.* ad. P. 51. L. 29. *for* successorum clerico mercati, *r.* successorum ac baronibus scaccarii nostri clerico mercati. P. 52. L. 33. *for* utlaganda, *r.* utlagandorum. Ditto L. 34. *for* adjudicata et adjudicanda, *r.* adjudicatorum et adjudicandorum. P. 71. L. 16. *for* crecum, *r.* crecam. P. 84. L. 21. *for* societati. *r.* societatis. P. 104. last L. *for* viginta, *r.* viginti.

Note, There are a great many faults in the original patent, as well with respect to grammar as spelling, which I left so; not presuming to make the least alteration, except to supply the terminations of some words which are contracted.

ERRATA in the *ENGLISH*.

PAGE 14. L. 27. *for* citizen *read* citizen. P. 51. L. 16. *for*, of *r.* or. P. 57. L. 11. *for* barons the exchequer, *r.* barons of the exchequer. P. 74. in the bottom note, *for* eather, *r.* leather. P. 76. L. 20. *for* ustom, *r.* custom. P. 77. L. 50. *for* ailens, *r.* aliens. P. 88. L. 10. *for* without and account, *r.* without any account. P. 11. in the marginal notes, *for* royalties, *r.* royalties. P. 101. in the marginal note, *for* mayor to the staple, *r.* mayor of the staple.